

both individual and corporate taxpayers the \$4 billion worth of second-stage tax cuts unless the net public debt on next June 30 is \$304 billion or less. To some, this may sound harmless, inasmuch as this figure is only slightly less than that resulting from Treasury Secretary Dillon's own rough estimate of the current budget deficit. But this amendment was rejected in the House Ways and Means Committee, and should be rejected if offered again on the House floor, for four fundamental reasons:

(1) The tax bill is needed on its own merits and should not be conditioned by any other event;

(2) Should lagging Federal revenues next summer make fulfillment of this condition impossible, that would be a clear sign to proceed with, not prevent, the second stage of tax reduction;

(3) Revenue, deficit and debt estimates for the end of this fiscal year are necessarily uncertain at this time, depending as they do upon dozens of unpredictable contingencies to which this bill should not be tied; and

(4) This amendment would be self-defeating; for taxpayers, uncertain of receiving the full benefits of the bill, would hold back on their investment and expansion outlays, thus retarding revenues and enlarging the debt. If tax reduction is essential to the progress of our economy—and I think it is—then it is essential whether Secretary Dillon's estimate turns out to be accurate or not. The need for more private demand—for more funds in the hands of consumers and investors—will exist in 1964 and 1965 regardless of whether the net public debt on next June 30th is \$304 billion of \$306 billion or \$302 billion. History teaches us that the public debt unexpectedly rises when public revenues fall unexpectedly short—and they have been consistently falling short precisely because our tax rates, which were originally designed to meet wartime and postwar conditions, are now imposing a restrictive brake on national growth and income. Thus, this amendment could deny the Nation a tax cut at the very time it needs it most—when revenues are falling short of expectations because of a slowdown in business activity.

Secretary Dillon's rough estimate, moreover, is exactly that—a very rough estimate—made at a time when the Congress has not completed action on legislation and appropriations for the current year. To require, as this amendment requires, that 11 months later his estimate must prove wholly correct is wholly unrealistic. Actually, the Secretary forecast a deficit for this fiscal year of \$9.2 billion—which would, on the basis of the existing public debt, mean a net debt on next June 30 of \$304.2 billion. This is an estimate both of what the Congress will do and of what the economy will do. If it were exactly correct, the Nation would lose a \$4-billion economic boost because of a \$200 million difference.

Yet \$200 million is not even one-tenth of 1 percent of our national debt—it is not even one-half of the amount we are likely to collect on June 30th alone—and, while I always expect great things of Mr. Dillon, I do not expect the impossible. In the last 11 years, revenue estimates made at this time of year have only 3 times—in fiscal years 1960, 1962 and 1963—come within a billion dollars of the final actual figure. To allow the fate of a vitally needed tax reduction to be decided by the accuracy or inaccuracy of a necessarily inexact prediction comes very close to resting the national welfare on a game of chance.

Under such circumstances, how can any businessman or investor plan for the future? How can he make even a reasonable guess as to how close this estimate will be, how much Federal revenue will be earned, how much the Congress will spend, whether the

weather will bring a bigger farm surplus, whether buyers will be found for Federal mortgages and other assets at reasonable prices, or whether some technological breakthrough or raw material price increase or international crisis will suddenly augment our outlays for national defense? The cost of last fall's Cuban crisis alone, for example, was nearly \$200 million.

A businessman attempting to formulate his spending plans in advance with regard that kind of second-stage tax cut promise as no promise at all. It will become a highly speculative matter—and concrete plans cannot be based on speculation. Being less certain of his market and profit, therefore, he will not undertake as much expansion now—and this will not only shortchange the national economy but increase the national debt. As former Treasury Secretaries Humphrey and Anderson pointed out during the last administration, the debt limit does not and cannot control expenditures—for they depend on the appropriations voted by the Congress and not on any arbitrary ceiling.

This is not, let me make clear, an argument over the desirability of expenditure control. This administration has pledged a tighter rein over expenditures, and we are fulfilling that pledge. Last January I submitted a budget for fiscal 1964 which—except for unavoidable defense, space, and interest charges on the national debt—was lower in expenditures than the prior year, despite a steady growth in the Nation's economy and population. Such a reduction had been attempted only three other times in the 12 preceding years—and, to help achieve it, we pared \$6 billion from civilian agency budget requests. I have since recommended still further cuts to the Congress, and we now expect to conclude the fiscal year with a total well below that submitted last January.

This administration is not opposed to expenditure control. On the contrary, we take pride in the fact that our budget expenditures for civilian agencies in the fiscal year just ended were \$1.7 billion below the January estimates. We take pride in the fact that our debt, in terms of both dollars and percentage, rose last year at a considerably slower pace than the indebtedness of our Nation's consumers, private business and State and local governments. We take pride in the fact that we have reduced the ratio of our Federal civilian expenditures to national output and to the expenditures of State and local government. We take pride in the fact that we have reduced the postal deficit—we have reduced the cost of surplus food grain storage—we have reduced waste, duplication and obsolescence in the Pentagon—and we have achieved noteworthy economies in every Government agency. And, finally, we take pride in the fact that—in each of the three budgets I have submitted—expenditures other than those required for defense, space and interest increased less than they did in the last three budgets of my predecessors.

In addition to our efforts to restrict expenditures to those most urgently needed, we have pursued an intensive campaign to identify those existing Federal programs which could be effectively carried out by the private economy—for example, substituting private for public credit wherever feasible. In the last fiscal year over \$1 billion of financial assets in Federal portfolios were transferred to private holders. We have also sought to initiate or increase "user charges" to cover a more equitable share of the costs of services provided by the Federal Government—to introduce modern equipment and management techniques for improving the productivity of all departments—and to control Federal civilian employment as well as expenditures.

Last year, if Federal civilian employment had increased at the same rate as population growth, it would have increased by

42,000 employees. It actually increased by only 5,600 persons—one-eighth the rate of population growth—so that we ended the year with far fewer Federal employees per 1,000 population than we began. To illustrate the significance of this accomplishment, let me point out that, during the same period, State and local government employment grew by about 300,000 persons.

Moreover, this administration's pledges on expenditure and debt control, unlike the amendment under discussion, have not been limited merely to the past and present fiscal years. In a recent letter to Chairman MILLS of the House Ways and Means Committee, I repeated my pledge to achieve a balanced Federal budget in a balanced full-employment economy—to exercise an even tighter rein on Federal expenditures, limiting outlays to only those expenditures which meet strict criteria of national need—and, consistent with these policies, as the tax cut becomes fully effective and the economy climbs toward full employment, to apply a substantial part of the increased tax revenues toward a reduction in our budgetary deficits.

Assuming enactment of the pending tax bill, I expect—in the absence of any unforeseen slowdown in the economy or any serious international contingency—to be able to submit next January a budget for fiscal 1965 envisioning an estimated deficit below that most recently forecast for fiscal 1964. And any increase in the Federal debt resulting from these transitional budget deficits will be kept proportionately lower than the increase in our gross national product—so that the real burden of the Federal debt will be steadily reduced.

This is true expenditure control. It cannot be done automatically by erecting some arbitrary, artificial figure and declaring that a much-needed tax cut will not go ahead if the debt exceeds that figure. The imposition of such a device can only reduce the effectiveness of the tax bill and invite the higher levels of unemployment which require still greater expenditures and debt.

No one, in short, is calling for a retreat from fiscal responsibility—unless it is the opponents of this bill. For without a quick and assured tax cut, this country can look forward to more unemployment, to more lags in income, to more and large budget deficits, and to more waste and weakness in the economy—and that course is the height of fiscal irresponsibility.

The Federal budget has been in deficit during 7 of the last 10 years, regardless of which party controlled the executive and legislative branches, regardless of where Congress set the debt ceiling, and regardless of what controls were placed on expenditures. Without a tax cut, there is at present no ascertainable prospect for reaching a balance. But with a tax cut, despite a temporary transitional increase in the deficit, this Nation can move within a very few years to an even higher trend of economic activity capable of sustaining both full employment and a balanced budget.

For all these reasons, the efforts of this organization and conference on behalf of the pending bill are vital to our Nation's future. I do not assume that every businessman here agrees with every provision of that bill. But after 7 months of intensive committee study, a fundamentally sound and strong program has been produced. It must be voted up or down on the floor of the House this month. Every month it is delayed costs this Nation dearly in lost output, jobs, profits and the increased danger of a downturn.

I do not promise that passage of this bill will achieve full employment on the following day or even in the following year. But I do know that we will never get there if we do not start moving—and the time to start is today.

September 10

ORDER OF BUSINESS

Mr. HUMPHREY obtained the floor.
Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield, without losing his right to the floor?

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION OF DEBATE ON H.R. 12, ASSISTANCE TO MEDICAL AND DENTAL SCHOOLS

Mr. MANSFIELD. Mr. President, I wish to propound a unanimous consent request, with respect to H.R. 12, a bill to increase opportunities for training of physicians, dentists, and professional public health personnel, which has been reported by the Committee on Labor and Public Welfare, and on which minority views will be ready tonight, that on Thursday, next, beginning at 12 o'clock noon, the bill be laid before the Senate and made the pending business, and that during the consideration of that measure there be allocated 1 hour of debate on each amendment, with one-half hour controlled by each side, and 1 hour of debate on the bill.

This proposal is being made with the approval of the distinguished minority leader, and the distinguished Senator from Arizona [Mr. GOLDWATER], the ranking minority member of the committee, and, I understand, with his colleagues on that side of the committee.

Mr. KEATING. Mr. President, reserving the right to object—and I shall not object—in accordance with the statement which I made a few moments ago, I shall offer an amendment to that bill to extend the life of the Civil Rights Commission. This is the first opportunity which will be offered to take such action. The limitation of time suggested is adequate to deal with the problem, and I therefore have no objection to the limitation. However, I would object to any provision of the unanimous-consent request relating to germaneness.

Mr. MANSFIELD. I wish the Senator would reconsider his position. I assure the Senator that it is my intention to see to it this month that an amendment to that effect is offered to a bill. However, in view of the importance of the school measure, I believe it would be advisable for the Senator to consider postponing his action until later in the month.

Mr. KEATING. I shall be very glad to do so if the distinguished majority leader is able at this time to tell me something more about his plans for action to extend the life of the Commission. If he is able to do so, I shall be happy to hear his statement. Perhaps he will wish to renew his request in a few moments.

I shall be glad to have him tell me about it off the record.

Mr. MANSFIELD. No. It has been my intention to offer an amendment to an appropriate bill which would be forthcoming, at which time the matter in which the Senator from New York is so very much interested will at least be brought to the floor for consideration and debate until completion of action.

Mr. KEATING. At that time, I would assume, the distinguished majority leader would not have in mind any motion, at least not emanating from the leadership, to table such an effort.

Mr. MANSFIELD. No.

Mr. KEATING. And that action will be taken prior to the end of this month?

Mr. MANSFIELD. That is my intention. To the best of my ability, it will be.

Mr. DIRKSEN. If the Senator will yield, I know that the Civil Rights Commission expires at the end of September. Therefore, action is imperative if the Commission is to be kept alive. I have discussed this matter with the distinguished Senator from New York, and I fully concur in the sentiments expressed by the majority leader. I would be as helpful as possible in order to consummate the action, so that the life of the Commission will be continued.

Mr. KEATING. I appreciate this assurance; and on the basis of that assurance of the majority leader and the minority leader, I shall not offer the amendment to the bill which will be before the Senate on Thursday, and will not object to the unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order is entered.

The unanimous-consent agreement reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Thursday, September 12, 1963, at the conclusion of routine morning business, the Senate proceed to the consideration of the bill, H.R. 12, the Health Professions Educational Assistance Act of 1963, and during its consideration debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

THE NUCLEAR TEST BAN TREATY

The Senate, as in Committee of the Whole, resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

Mr. MANSFIELD. Mr. President, if there is no further debate, I ask that the treaty be considered as having passed through the several parliamentary stages up to and including the presentation of the resolution of ratification.

If I may explain, this means that this will preclude offering of amendments, but will make it possible to offer reservations, which cannot be offered at this time.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Merely to clarify the situation, a reservation that is offered is not a reservation to the treaty itself, but is a reservation to the resolution. Is that correct?

Mr. MANSFIELD. To the resolution of ratification. It is necessary to go through this procedure before a reservation can be offered or considered.

Mr. GOLDWATER. If a reservation is offered and is adopted, that reservation applies to the resolution, not to the treaty itself. Is that correct?

Mr. MANSFIELD. It applies to the resolution of ratification. If it were adopted, it would be voted on, when the final vote came, with the reservation included.

Mr. GOLDWATER. But the reservation would be included in the resolution, and not in the treaty.

Mr. MANSFIELD. That is true; but it would be a part of the treaty. This is the way it has long been done. The Senate is following the regular procedure as delineated by the Parliamentarian. Up to now it would not be in order to offer a reservation. If this procedure is adopted, it will be in order to propose reservations to the resolution of ratification. Amendments could be offered up to the adoption of this procedure now. If it is adopted, they would not be in order.

Mr. RUSSELL. I do not intend to propose any reservations or amendments; but it seems to me that in connection with so vitally important a subject as this, it might be well if the distinguished Senator from Montana would give notice that tomorrow he will propose the unanimous-consent request, in order that the rights of all Senators may be protected. I have no actual knowledge, but I have heard over the radio that the distinguished Senator from Connecticut said he desired to propose understandings; and other Senators—I believe the distinguished Senator from Louisiana [Mr. Long] is one—have suggested that they intend to offer either reservations or amendments.

So that all Senators might be put on notice, it seems to me that it would be well to have the Senator from Montana state exactly the effect of the unanimous-consent request he will suggest, and thus put the Senate on notice that he will propose it tomorrow at the conclusion of the morning hour. I have no objection to his proposal, but I believe it would be fairer to offer it tomorrow, in view of the rather sparse attendance of Senators at the present time.

Mr. MANSFIELD. That is perfectly agreeable to the leadership. I wish to

inform the distinguished Senator from Georgia that a quorum call was instituted for the purpose of calling Senators to the Chamber. Since they did not appear in large numbers, the leadership thought it well to proceed. I am delighted that the Senator from Georgia is present. His observation is a good one, and his suggestion will be followed.

On behalf of the distinguished minority leader and myself, notice is given that tomorrow this proposal will be brought before the Senate for its consideration.

Mr. RUSSELL. I assure the Senator from Montana that I shall not interpose objection tomorrow. However, it seemed that a proposal of this kind might well be placed before the Senate by means of actual as well as constructive notice.

Mr. MANSFIELD. I agree with the Senator from Georgia. That will be done.

Mr. FULBRIGHT. Would it be possible to place in the Record, if it has not already been done, a short memorandum explaining the differences between amendments, reservations, and understandings?

Mr. RUSSELL. I heartily subscribe to that suggestion of the chairman of the Committee on Foreign Relations. I have been a Member of the Senate for some time, but I am not completely clear as to the differences between such proposals.

Mr. FULBRIGHT. These are procedures which perhaps are not completely clear in the memorandum, but it is the best we could do.

Mr. DIRKSEN. Mr. President, I suggest that the memorandum be amplified a little, because the treaty is considered in Committee of the Whole. It is the only time under the Senate rules that that is done. Perhaps the rule itself ought to be quoted, and then it should be stated that when the proposed unanimous consent request has been adopted, amendments will thereafter be precluded, and the treaty will then be subject to a reservation to the resolution of ratification.

Mr. FULBRIGHT. That is correct.

Mr. RUSSELL. That is an excellent suggestion. Senators will then know the path they are treading.

Mr. MANSFIELD. It is my understanding that the Committee on Foreign Relations issued such a memorandum. Unfortunately, I did not receive a copy. Perhaps it was lost in the mail, because I feel certain one was sent to me. I wondered whether the distinguished chairman of the committee would not place it in the Record.

Mr. FULBRIGHT. I shall be glad to do so.

(Subsequently Mr. FULBRIGHT submitted the following memorandum, which, without objection, was ordered to be printed at this point in the Record.)

COMMITTEE ON FOREIGN RELATIONS STAFF
MEMORANDUM ON THE ROLE OF THE SENATE
IN THE TREATY-MAKING PROCESS

Article II, section 2, clause 2, of the U.S. Constitution states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

In performing this function, the Senate has several options. Normally, the procedure for unconditional approval of a treaty is by adoption of a resolution of advice and consent to ratification which, in the case of the Nuclear Test Ban Treaty, would read as follows:

"Be it resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater, which was signed at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics."

The Senate may, however, reject a treaty in toto, or stipulate conditions in the form of amendments, reservations, understandings, declarations, statements, interpretations, or statements in committee reports. For example, the Statute of the International Atomic Energy Agency was approved subject to an "interpretation and understanding." In that case, so that no uncertainty would exist as to whether the United States might be obligated by some future amendment that the Senate saw fit to reject, the resolution of ratification was approved "subject to the interpretation and understanding, which is hereby made a part and condition of the resolution of ratification, that (1) any amendment to the statute shall be submitted to the Senate for its advice and consent, as in the case of the statute itself, and (2) the United States will not remain a member of the Agency in the event of an amendment to the statute being adopted to which the Senate by a formal vote shall refuse its advice and consent."

This "interpretation and understanding" in no way affected the international obligation of the United States. It was, however, made a part of the operating instrument of ratification and Presidential proclamation and circulated to the other parties to the treaty with the following statement: "The Government of the United States of America considers that the above statement and understanding pertains solely to U.S. constitutional procedures and is of purely domestic character."

The Senate also approved the NATO Status-of-Forces Agreement subject to an "understanding." Article III of that agreement provided that under certain conditions members of a military force were to be exempt from passport and visa regulations, from immigration inspection, and from regulations on the registration and control of aliens. The effect of article III on U.S. immigration laws was not entirely clear, and in order to remove all doubt about the matter and to make sure that the United States could take appropriate measures to protect its security, the following language was made part of the resolution of ratification:

"It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the agreement, that nothing in the agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States."

This "understanding" was also included in the instrument of ratification and the Presidential proclamation which was circulated to the other parties to the agreement. Here again, however, it had no effect on the international obligation of the United States.

Another, and perhaps better known case involves the so-called Connally reservation to the compulsory jurisdiction clause of the Statute of the International Court of Jus-

tice. In that instance the Senate gave its advice and consent to the deposit by the President of a declaration under paragraph 2 of article 36 of the statute—the so-called optional clause. By accepting the optional clause, the United States agreed that in certain types of legal disputes it would recognize the compulsory jurisdiction of the International Court of Justice. However, in accepting that jurisdiction, the Senate stated that it did not apply to matters essentially within the domestic jurisdiction of the United States as determined by the United States. For technical reasons the Connally reservation is not viewed by all international lawyers as a true reservation; in fact, it was communicated to other parties and the obligation of other parties with respect to the United States is no greater than that assumed by the United States.

As a practical matter, if the Senate attaches a reservation to its resolution of advice and consent, the inference is that the contractual relationship is being changed. However, if the Senate uses language of understanding, the implication (but not necessarily the fact) is that the contractual arrangement is not being changed.

Irrespective of what term is used to describe a condition imposed on a treaty, however, the view of the U.S. Government is that the content or effect of the statement is of prime importance. If, despite the designation, the executive branch believes that the condition has the actual character and effect of a reservation, it would be so treated and thus would open the treaty to further negotiations. In this connection, the following extracts from a Department of State memorandum on the subject of "Depositary Practice in Relation to Reservations" which was submitted to the United Nations last year are relevant:

"It is understood by the U.S. Government that the term 'reservation' means, according to general international usage, a formal declaration by a state, when signing, ratifying, or adhering to a treaty, which modifies or limits the substantive effect of one or more of the treaty provisions as between the reserving state and each of the other states parties to the treaty. A true reservation is a statement asserting specific conditions of a character which (if the reserving state becomes a party to the treaty) effectively qualify or modify the application of the treaty in the relations between the reserving state and other states parties to the treaty. If the statement does not effectively change in some way, either by expanding or diminishing the treaty provisions, the application of the treaty between the reserving state and other states parties thereto, then it is questionable whether it is a true reservation even though it may be designated a 'reservation.' The terms 'understanding,' 'declaration,' or 'statement' may be used to designate a statement which may or may not be a true reservation. More properly, 'understanding' is used to designate a statement when it is not intended to modify or limit any of the provisions of the treaty in its international operation, but is intended merely to clarify or explain or to deal with some matter incidental to the operation of the treaty in a manner other than a substantive reservation. Sometimes an understanding is no more than a statement of policies or principles or perhaps an indication of internal procedures for carrying out provisions of the treaty. The terms 'declaration' and 'statement' when used as the descriptive terms are used most often when it is considered essential or desirable to give notice of certain matters of policy or principle, but without any intention of derogating in any way from the substantive rights or obligations as stipulated in the treaty. As a general rule, it is considered necessary in the case of any instrument of ratification, adherence, or acceptance embodying any of the above-mentioned types

of statement, that the other state or states concerned be notified thereof and be given an opportunity to comment. If the statement is designated a 'reservation' but is not a true reservation, the notification to the other state or states may be accompanied by an explanatory statement designed to emphasize the fact that no actual modification or limitation of the treaty provisions is intended.

"The U.S. Government as depositary does not, as a rule, consider it appropriate for reservations to be set forth merely in a letter or note accompanying an instrument of ratification, acceptance, adherence, or accession. If the instrument is to be qualified by a reservation, it is considered that the reservation should be embodied in the instrument itself. A declaration, understanding, or other statement not constituting an actual reservation may, of course, be set forth in an accompanying letter or note, the text thereof then being notified to interested states at the same time they are notified regarding the deposit of the formal instrument."

One of the most authoritative statements on reservations appears in Charles Cheney Hyde's book, "International Law." Hyde states (vol. II, p. 1435): "A reservation to a treaty is a formal statement made by a prospective party for the purpose of creating a different relationship between that party and the other parties or prospective parties than would result should the reserving state accept the arrangement without having made such a statement. A mere interpretative declaration made by a prospective party without such a design, and with a view merely to accentuate a common understanding, is not regarded as a reservation, unless another party or prospective party deems it to be productive of a different relationship between the state issuing the declaration and the other parties or prospective parties than would result were the declaration not made. In a word, whether an interpretative statement is to be regarded as a reservation and dealt with as such depends in practice upon the place which the states to which it is addressed are disposed to assign to it."

AMENDMENTS

A distinction should be made between an amendment and a reservation. The difference between the two is that an amendment, if it is accepted by the President and the other party or parties to the treaty, changes it for all parties, whereas a reservation limits only the obligation of the United States under the treaty, although a reservation may, in fact, be of such significance as to lead other parties to file similar reservations, to seek renegotiation of the treaty, or, indeed, to refuse to proceed with ratification.

To put it another way, the distinctions between the two "are not in the essential objects sought, but in the form taken by the qualified assent and in the notice or action called for from the other party to the agreement. As the contrast is ordinarily drawn, an amendment to a treaty is a textual change in the instrument itself by way of an addition, alteration, or excision; it makes a part of the identical contract to which the two governments are to give their assent in the exchange of ratifications. A reservation, on the other hand, is an interpretation or construction placed upon some portion of the instrument by the Senate, to indicate the understanding with which the United States enters into the agreement as to the obligations which this country is to assume." (Haynes, "The Senate of the United States," vol. II, pp. 617-18.)

SUMMARY

In summary, therefore, and in order of importance so far as the effect on other parties is concerned, the Senate might take

the following steps to make its views known or to qualify its consent to ratification of a treaty:

1. The Senate may advise and consent to ratification, but make its views known in the committee report. This would have no more legal effect on the treaty than other negotiating background or than legislative history has on public laws.

2. The Senate may include in its resolution language expressing its understanding or interpretation. So long as this language does not substantively affect the terms or international obligations of the treaty, or relates solely to domestic matters, there would be no legal effect on the treaty. Under existing practice, however, the Executive would communicate such understandings or interpretations to the other parties for such reaction as they may take.

3. The Senate may include in its resolution language expressing its reservation. Normally reservation language would involve some change in the international obligations of the treaty and might affect its terms in such a significant manner as to require the Executive to communicate the terms of the reservation to other parties to the treaty, thus enabling them to take such action as they felt appropriate, including reservations of their own or even refusal to proceed with the treaty.

4. Finally, the Senate may amend the terms of the treaty itself. In this instance, there would be no question but that the treaty would need to be renegotiated.

Committee procedure

The Committee on Foreign Relations transacts business by a majority vote of a legal quorum (currently nine members). Once a legal quorum is established, it is presumed to be present, and thereafter oral or written proxies are valid for the purposes of voting. This procedure applies with respect to any treaty reservations or amendments considered by the committee. However, on the final question as to whether the committee shall agree to report favorably a particular resolution of ratification, an actual physical quorum of nine members must be present.

Senate procedure

The act of ratification for the United States is a Presidential act, but it may not be forthcoming unless the Senate has consented to it by the required two-thirds of the Senators present (which signifies two-thirds of a quorum), otherwise the consent rendered would not be that of the Senate as organized under the Constitution to do business (art. I, sec. 5, clause 1).

Insofar as Senate procedure is concerned, rule XXXVII states, that when a treaty is reported from the Committee on Foreign Relations it shall, unless the Senate unanimously otherwise directs, lie 1 day for consideration. Amendments or reservations are subject to approval by a majority vote.

An amendment or reservation may be modified before any action is taken on it. They are not, however, subject to modification after adoption by the Senate. Moreover, an amendment or reservation which is substantially the same as one previously offered and rejected is not in order.

The decisions made must be reduced to the form of a resolution of ratification, with or without amendments or reservations, as the case may be, which must be proposed on a subsequent day, unless by unanimous consent the Senate determines otherwise. After the resolution of ratification is offered, amendments to the text of the treaty or the resolution of ratification are not in order.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present and voting shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion

to postpone indefinitely, which shall be decided by a vote of two-thirds.

Mr. FULBRIGHT. Mr. President, the following statement has been prepared by the Parliamentarian for guidance of the Senate during consideration of the Nuclear Test Ban Treaty:

NUCLEAR TEST BAN TREATY (Procedure under the rule)

The treaty is in the Committee of the Whole and shall be proceeded with by articles. This provision, however, may be waived by unanimous consent, and thus permit an amendment to be offered to any part of the treaty.

A majority vote is required for adoption of an amendment.

A motion to table an amendment would be in order.

Where there is no further debate or action to be taken in the Committee of the Whole, the proceedings are reported by the Presiding Officer to the Senate. If any amendment has been made, the Senate votes on concurrence therein. Further amendments are then in order.

Reservations are not in order while the treaty is being considered in the Committee of the Whole or in the Senate. They should be offered to the resolution of ratification.

When there is no further debate or amendment to be proposed, the next step would be the proposal of the resolution of ratification. It cannot, however, be proposed on that day except by unanimous consent. If any amendment has been made to the text of the treaty, it must be incorporated in the resolution of ratification.

After the resolution of ratification has been proposed, no amendment is in order except by unanimous consent. Reservations, however, are in order at that stage, and not before.

The vote on the question of agreeing to the resolution of ratification or on a motion to postpone indefinitely requires a two-thirds vote for adoption. All other motions and questions upon a treaty shall be decided by a majority vote.

DISTRIBUTION OF ELECTRIC ENERGY IN PACIFIC NORTHWEST

Mr. JACKSON. Mr. President, as in legislative session, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1007.

The PRESIDING OFFICER (Mr. WALTERS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1007) to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes, which were, on page 4, lines 9 and 10, strike out "seven days" and insert "sixty days,"; on page 4, line 17, strike out "seven days" and insert "sixty days"; on page 6, line 2, strike out "forty-eight months" and insert "sixty months,"; on page 7, line 25, strike out "section 8" and insert "section 9"; on page 8, line 10, strike out "section 8" and insert "section 9"; on page 8, after line 19, insert:

Sec. 8. No electric transmission lines or facilities shall be constructed outside the Pacific Northwest by any Federal agency for the purpose of transmitting electric energy for sale or exchange pursuant to this Act except those lines and facilities hereafter specifically authorized by the Congress.

ance. The President can make recommendations; but in order to maintain the facilities on Johnston Island, Congress must appropriate the money; and if we do not do it, it is our fault. If the laboratories are to be maintained, Congress must provide the money. If we are to conduct underground tests, Congress must appropriate the money. If we do not do it, it will be our fault.

Talk to the effect that "we want these safeguards" dresses the treaty. It may be the ribbon on the package, but it has nothing to do with the substance of the package. Whether or not safeguards are provided is the responsibility of the Congress; and if the Senator from Iowa will stand with the Senator from Rhode Island and the Senator from Minnesota in seeing to it that we do the necessary things, the Senator will have the assurances he wants. There are certain things that can be done in the atmosphere that cannot be done underground. What can be done underground is limited.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MILLER. That is exactly the point of what the Senator from Minnesota [Mr. HUMPHREY] said about how the Joint Chiefs of Staff or the military officials argued about the limitations of the treaty.

It is not so much a question of cutting down on the number of tests. It is a case of quality. Those who are concerned about eliminating testing in the atmosphere are concerned about the fact that we cannot have the same quality of testing underground as in the atmosphere.

Mr. PASTORE. That is true. Not one official in the Military Establishment who appeared before our committee—and if I asked the question of one witness, I asked it of at least six—would say that the balance of power is not in our favor but in favor of the Russians. They all agreed that the balance of power was in our favor.

If that is the case, if the balance of power is in our favor, and if we can bring to an end this madness, what is wrong with that? America does not want to make a hundred megaton bomb. I do not know what we would want to blow up with a 100 megaton bomb. I am told that one 20 megaton bomb is the equivalent of the amount of TNT that can be put in a freight train stretching from the east coast to the west coast. One 20-megaton bomb represents six times the explosive force of all of the explosives used in World War II.

People talk about a 100 megaton bomb. What do they want to blow up? Do they want to blow up the entire world? America does not want that kind of bomb.

Mr. McNamara, when he appeared before the committee, said that we have no desire to make a 100-megaton bomb. It is true that in the atmosphere it would be possible to achieve it. However, we can make a 60-megaton bomb now, with the knowledge that we possess.

Mr. HUMPHREY. Without testing.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PASTORE. When I am through, I will yield. I thought I was going along pretty well.

Mr. HUMPHREY. The Senator was going along very well.

Mr. PASTORE. If we test underground, we cannot go very far before the debris begins to get out of our territorial boundaries, and that is not permitted under the treaty. Once that happens, we are becoming too big from the standpoint of the bomb. The treaty prohibits such a procedure. We are limited.

If any Senator for any reason thinks Eisenhower sold out to Khrushchev when, in 1959, he made the same proposal that is now before us, or if any Senator believes that John Kennedy is selling out to the enemy because he is in favor of the treaty, that Senator should in full conscience and on his responsibility vote for the rejection of the treaty.

However, let me say to Senators who would reject the treaty that under our constitutional process a two-thirds affirmative vote is required.

This treaty was initiated by two administrations, a Republican administration and a Democratic administration. This is a treaty that we have been trying to get for years. It all began on April 13, 1959, when President Eisenhower made his suggestion. I am saying to those who are inclined to have doubts about the treaty that they have a double responsibility, because every vote that they cast counts for two votes. We need two votes in the affirmative to block one vote in the negative.

I do not like to imagine where we would begin all over again, if this treaty is rejected. We have been trying to get it since 1959. Every time Khrushchev said, "No." All we said was, "Will you talk again? Can we resume the talks?"

Khrushchev did not ask that the talks be resumed. We asked that the talks be resumed. This is our treaty. This is America's treaty. This is not Russia's treaty. If the Russians think it is of advantage to them, let them think so. What their motives are is of no concern to the Senator from Rhode Island. All I know is that this treaty is good for me. This treaty is good for my family. This treaty is good for my country. This treaty is good for the peace of the world. This is the reason why one should be in favor of it. If anyone does not believe it, he should vote against it.

However, let no one forget that the President of the United States is exhorting the Senate. He needs a two-thirds vote in the Senate. That is not easy to obtain always. There is talk about majority rule. We had best realize that every vote that is cast against it is the vote of two Senators under our democratic process in the Senate.

I say to those who have doubts about the treaty that I want them to open their hearts and look into their consciences. I want them to realize what they might be doing. If by their vote they destroy and kill the treaty, in all sincerity—in all reverence, I say God help us; God help us.

Mr. HUMPHREY. I believe that the remarks of the distinguished Senator

from Rhode Island are of such quality and importance that they should stand on their own. For the moment I shall not yield for further inquiry.

Mr. CARLSON. Will the Senator yield on the particular point under discussion?

Mr. HUMPHREY. On the point of testing and its alleged contribution to the spread of the arms race?

Mr. CARLSON. Yes.

Mr. HUMPHREY. I yield to the Senator on that point.

Mr. CARLSON. I appreciate very much the courtesy of the Senator from Minnesota. I refer to the point which was opened up when the Senator from Iowa referred to the reduction of armaments under the treaty, and when the distinguished Senator from Rhode Island made the statement that there was hope in the treaty. It is important that the RECORD in the Senate, from a historical standpoint, be complete, and therefore I refer Senators to the statement of Secretary Rusk at page 29 of the hearings.

Mr. HUMPHREY. Will the Senator read it?

Mr. CARLSON. The Senator from Alabama [Mr. SPARKMAN] was asking questions of the Secretary of State, as follows:

Senator SPARKMAN. And is there any provision in this treaty for the reduction of arms or armaments in any way?

Secretary Rusk. This treaty itself does not reduce weapons in being or prevent their further production.

This treaty is aimed only at the question of nuclear explosions. I regret myself that it has not been possible to make greater headway in some actual physical disarmament measures consistent with our own security.

But this treaty is not a step in that direction—this treaty is not itself dealing with that problem. It may turn out to be one small step that opens up some possibilities in this field but that has not yet become apparent.

Senator SPARKMAN. It is a treaty of hope so far as that is concerned.

Secretary Rusk. So far as actual disarmament is concerned, it is a treaty of hope. It is a treaty of fact insofar as explosions in those three environments are concerned.

I thought the reference to hope should be in the RECORD, from the standpoint of history. It was a hope.

Mr. HUMPHREY. I thank the Senator from Kansas for his contribution to the colloquy. It is pertinent to the discussion. The point needs to be emphasized again and again that the responsible officers of the Government have not attempted to oversell the treaty. The President, in his message to the Senate, had this to say:

This treaty advances, though, it does not assure, world peace; and it will inhibit, though it does not prohibit, the nuclear arms race.

Then he went on to say:

This treaty will curb the pollution of our atmosphere. While it does not assure the world that it will be forever free from the fears and dangers of radioactive fallout from atmospheric tests, it will greatly reduce the numbers and dangers of such tests.

I believe it is fair to say that, from the President on down through all the echelons of Government, those who have been advocating the treaty have attempted to caution everyone as to its

15750

limits, as well as stating its assets. A factual, fair, and open presentation has been made.

No one can say what the future will offer. No one can say whether the treaty will work. The future is in the hands of men who make decisions daily and who may govern nations in the days to come.

As has been said, the treaty represents a significant step, small though it may be, and, as the Senator from Kansas has so well pointed out once again, it represents a hope that mankind can reduce the arms race, a hope that mankind may be more rational, a hope that mankind may find some understandings and agreements that will lessen international tensions.

Whether or not these hopes will be realized, only God can say.

Mr. MILLER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I am glad to yield.

Mr. MILLER. I thank the distinguished Senator from Minnesota. At the time when I raised the question about the arms race, I did not realize we would get as far afield as we did.

Mr. HUMPHREY. But it was interesting.

Mr. MILLER. I concur in the statements made by the distinguished Senator from Rhode Island; and it might be well just to make a few replies for the record. We were asked whether anyone believes that the present President of the United States, or former President Eisenhower was selling out the United States.

I hope the Senator from Minnesota will make clear, on behalf of all who are in favor of the treaty—and I know he is in favor of it, and I hope any Senator on the other side who has already committed himself as being against the treaty will also make very clear, that if there is any one thing on which all agree, it is that no one has any monopoly on patriotism or on devotion to world peace or on integrity. Certainly both the most violent opponent, and the most violent proponent share those characteristics. So I do not believe we should even ask whether anyone is questioning any Senator's integrity or his desire for peace or his patriotism. On this treaty there will be honest differences of conscientious opinion based upon judgment.

Mr. HUMPHREY. The Senator from Iowa knows that I fully agree with his statement. At the beginning of my remarks I said that any differences Senators may have are not related to our motives or our motivations.

We have sworn to uphold, preserve, defend, and to protect the Constitution. We have our constitutional responsibilities. If Senators were not to be permitted to express freely and openly their points of view on this treaty, the Constitution would never have required the advice and consent of the Senate. Nothing in the Constitution indicates that a Senator is not patriotic if he disagrees with the President. The President, being human, is of course, subject to error and to miscalculation. I am sure every President of the United States does the very best he can—within his ability,

his experience, and his knowledge—for this country. Senators have both the privilege and the responsibility to examine carefully into every aspect of all proposed legislation and all proposals of the Executive, including every treaty that is sent to us. Therefore, rather than be critical of Senators who may wish to examine the treaty at some length, I say more power to them, because that process gives us an opportunity to have a thoughtful and responsible debate on this part of our foreign policy.

Mr. MILLER. I thank the Senator from Minnesota.

The other point is that great emphasis has been laid by some on the fact that the treaty is substantially the same as the treaty advanced by President Eisenhower, and by President Kennedy earlier in his term. Therefore, I suppose, the inference is that there is no reason why it should not be approved by the Senate today. I believe it should be pointed out that—granted that all these treaties are about the same—changes have occurred since the treaty was first proposed by President Eisenhower, and since President Kennedy later proposed it—in 1961, I believe.

For example, a massive series of atmospheric tests was made by the Soviet Union in 1961. From them, they could have obtained information—and we have had testimony on this point—which might have an impact on the security of the United States. So the facts and circumstances have changed.

There has also been the Cuban confrontation, in which the Soviet Union had covertly put intermediate range ballistic missiles into Cuba; and on that point Gromyko lied in his teeth to the President of the United States. Khrushchev said he would take the Soviet troops out of Cuba, but he reneged on that. Khrushchev also agreed to on-site inspections in Cuba, but he also reneged on that. So a few rather significant changes have taken place since this treaty first was proposed. Therefore, I believe we should evaluate the treaty in line with these changes, as well as in line with the fact that Presidents of both parties proposed such a treaty before these changes occurred.

I believe perhaps the final point should be made that, to the best of my knowledge, I have not heard any Member of the Senate indicate a partisan attitude on this matter. As a matter of fact, I wish we could act as the Committee of the Whole for the duration of this debate, and entirely ignore our respective party labels, because the treaty is completely outside the arena of partisan politics.

I know the Senator from Minnesota thoroughly agrees with me—as he did earlier—that the treaty is not a partisan matter.

Mr. HUMPHREY. Mr. President, to raise—again—the question of partisan politics is really to set up another strawman. Everyone knows the treaty is not a partisan matter. The distinguished minority leader [Mr. DIRKSEN] is being exceedingly helpful, brave, and forthright in connection with our consideration of the treaty.

I have repeatedly made clear, as have all other Senators, that this is not a partisan debate. Mr. President, the Senate does not advise and consent to treaties, under the constitutional provision, on a partisan basis. The Senate does so on the basis of the responsible position which U.S. Senators hold. However, if there need be further disavowal of any partisanship in connection with our consideration of the treaty, again I disavow it. We realize that on both sides of the aisle there are Senators who favor the treaty and Senators who oppose it. So, Mr. President, we can now settle, once and for all, any question about a partisan nature of this debate, by stating that the treaty is not in the slightest respect a partisan matter.

Mr. MILLER. I thank the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, in order that the record may be adequate and explicit with reference to the position of the former President of the United States on the subject of a nuclear test ban, I invite the attention of Senators to the exhibits on pages 278 and 279 of the hearings before the Committee on Foreign Relations relating to Executive M, 88th Congress, 1st session.

First is the full text of President Eisenhower's April 13 letter to Premier Nikita Khrushchev on a suspension of the testing of nuclear weapons, from Augusta, Ga., under the date of April 20, 1959.

Second is the text of President Eisenhower's letter to Khrushchev dated Washington, May 1, which was released from Denver, Colo., on May 16. I believe those two letters will clarify any differences that there may have been between the proposal before the Senate and those advanced by the former President of the United States. I should like to make clear that the former President was seeking, with all the influence and power at his command, to negotiate, first, a nuclear test ban treaty of a comprehensive nature, and, second, one of a limited nature. In his letter of May 5, 1959, speaking to Khrushchev, President Eisenhower said—

I would again propose that toward this end we take now the first and readily attainable step of an agreed suspension of nuclear weapons tests in the atmosphere here up to the greatest height to which effective controls can under present circumstances be extended.

In his letter of April 13, the former President of the United States said:

The United States strongly seeks a lasting agreement for the discontinuance of nuclear weapons tests. We believe that this would be an important step toward reduction of international tensions and would open the way to further agreement on substantial measures of disarmament.

The full text of the letter outlines the details of President Eisenhower's proposals.

I ask unanimous consent that the full text of the letters of President Eisenhower be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

EISENHOWER LETTER ON NUCLEAR TEST BAN
AUGUSTA, GA., April 20, 1959.—Following is the text of President Eisenhower's April 18 letter to Premier Nikita S. Khrushchev on a suspension of tests of nuclear weapons:

"DEAR MR. CHAIRMAN: Today the Geneva negotiations for the discontinuance of nuclear weapons tests are resuming. During the recess I have considered where we stood in these negotiations and what the prospects are for the successful conclusion which I earnestly desire. I have also talked with Prime Minister Macmillan, who reported to me of his frank discussions on this matter with you.

"The United States strongly seeks a lasting agreement for the discontinuance of nuclear weapons tests. We believe that this would be an important step toward reduction of international tensions and would open the way to further agreement on substantial measures of disarmament.

"Such an agreement must, however, be subject to fully effective safeguards to insure the security interests of all parties, and we believe that present proposals of the Soviet Union fall short of providing assurance of the type of effective control in which all parties can have confidence; therefore, no basis for agreement is now in sight.

"In my view, these negotiations must not be permitted completely to fail. If indeed the Soviet Union insists on the veto on the factfinding activities of the control system, with regard to possible underground detonations, I believe that there is a way in which we can hold fast to the progress already made in these negotiations and no longer delay in putting into effect the initial agreements which are within our grasp. Could we not, Mr. Chairman, put the agreement into effect in phases beginning with a prohibition of nuclear weapons tests in the atmosphere? A simplified control system for atmospheric tests up to 50 kilometers could be readily derived from the Geneva experts' report, and would not require the automatic onsite inspection which created the major stumbling-block in the negotiations so far.

"My representative is putting forward this suggestion in Geneva today. I urge your serious consideration of this possible course of action. If you are prepared to change your present position on the veto, on procedures for onsite inspection and on early discussion of concrete measures for high-altitude detection, we can of course proceed promptly in the hope of concluding the negotiation of a comprehensive agreement for suspension of nuclear weapons tests. If you are not yet ready to go this far, then I propose that we take the first and readily attainable step of an agreed suspension of nuclear weapons tests in the atmosphere up to 50 kilometers while the political and technical problems associated with control of underground and outer space tests are being resolved. If we could agree to such initial implementation of the first—and I might add the most important—phase of a test suspension agreement, our negotiators could continue to explore with new hope the political and technical problems involved in extending the agreement as quickly as possible to cover all nuclear weapons testing. Meanwhile, fear of unrestricted resumption of nuclear weapons testing with attendant additions to levels of radioactivity, would be allayed, and we would be gaining practical experience and confidence in the operation of an international control system.

"I trust that one of these paths to agreement will commend itself to you and permit the resuming negotiations to make a far-reaching response to the hopes of mankind.

"Sincerely,

"DWIGHT D. EISENHOWER."

THE TEXT OF THE PRESIDENT'S LETTER TO KHRUSHCHEV

DENVER, May 16.—The text of President Eisenhower's letter to Premier Nikita S. Khrushchev, dated from Washington May 5, follows:

"DEAR MR. CHAIRMAN: I have your reply to my communication of April 13 in which I suggested ways in which we might move more rapidly toward the achievement for the discontinuance of nuclear weapons tests under adequately safeguarded conditions. I do not disagree with your statement of the need to conclude a treaty which would provide for the cessation of all types of nuclear weapons tests in the air, on the ground, underwater, and at high altitudes. This is the objective I proposed last August, which my representatives at Geneva have sought since the beginning of negotiations there and which in my most recent letter I reaffirmed as the goal of the United States. I sincerely hope that your affirmation of this objective will prove to me that you would now be willing to accept the essential elements of control which would make this possible.

"You refer to the possibility mentioned by Prime Minister Macmillan for carrying out each year a certain number of previously determined inspections. I have also been informed that your representative at the Geneva Conference has formally proposed that agreement be reached on the carrying out annually of a predetermined number of inspections both on the territory of the Soviet Union and on the territories of the United States, the United Kingdom, and their possessions. In keeping with our desire to consider all possible approaches which could lead to agreement for discontinuance of nuclear weapons tests with effective control, the United States is prepared to explore this proposal through our representatives in the negotiations at Geneva.

"In particular, it will be necessary to explore the views of the Soviet Government on the voting arrangements under which this and other essential elements of control will be carried out, the criteria which will afford the basis for inspection and the arrangements which you would be prepared to accept to assure timely access to the site of unidentified events that could be suspected of being nuclear explosions. It will be necessary to know, also, the scientific basis upon which such number of inspections would be determined and how it would be related to the detection capabilities of the control system.

"I have noted your understanding that these inspections would not be numerous. The United States has not envisaged an unlimited number of inspections but adheres to the concept that the number should be in appropriate relations to scientific facts and detection capabilities.

"As I stated in my last communication, if you are prepared to change your present position on the veto on procedures for onsite inspection, and on early discussions of concrete measures for high-altitude inspection, we can proceed promptly in the hope of concluding the negotiation of a comprehensive agreement for suspension of nuclear weapons tests. I hope that your position on these basic issues will change sufficiently to make this possible.

"There are reports that your representative in Geneva has given some reason for thinking the Soviet Government may be prepared to modify its approach regarding these questions. If this should prove not to be the case, however, I could not accept a situation in which we would do nothing.

"In that event I would wish to urge your renewed consideration of my alternative pro-

posal. It is that, starting now, we register and put into effect agreements looking toward the permanent discontinuance of all nuclear weapons tests in phases, expanding the agreement as rapidly as corresponding measures of control can be incorporated in the treaty.

"I would again propose that toward this end we take now the first and readily attainable step of an agreed suspension of nuclear weapons tests in the atmosphere here up to the greatest height to which effective controls can under present circumstances be extended. In my communication of April 13 I suggested that the first phase of such an agreement should extend to the altitude for which controls were agreed upon by the Geneva Conferences. We would welcome discussions of the feasibility of the present time of extending the first phase atmospheric agreement to higher altitudes and our representatives in the present negotiations at Geneva are prepared to discuss the technical means for controlling such an agreement.

"It is precisely because of my deep desire for a complete discontinuance of nuclear weapons tests that I urge again that you either accept the measure of control that will make such an agreement possible now or, as a minimum, that you join now in the first step toward this end which is within our reach. Such a step would assure that no time will be lost in setting up the elements of the system already substantially agreed and in stopping all tests that can be brought under control. While this is being done our negotiators would continue to explore the problems involved in extending the agreement to other weapons tests as quickly as adequate controls can be devised and agreed upon.

"Sincerely,

"DWIGHT D. EISENHOWER."

Mr. CARLSON. Mr. President, will the Senator yield at that point?

Mr. HUMPHREY. I am happy to yield to the Senator from Kansas.

Mr. CARLSON. Those of us who have followed this subject for years well remember the efforts of President Eisenhower in trying to obtain some sort of treaty in regard to testing. At present many people are writing to me and asking questions. One of the questions frequently asked is as follows: "How does it happen that Mr. Khrushchev would not agree to a treaty in 1958 and 1959, and now he seems to be enthusiastic about a treaty?"

It would be helpful if the Senator could give me some enlightenment on that point, so that at least I can answer my mail.

Mr. HUMPHREY. I thank the Senator from Kansas. He has placed far too much confidence in me, although his flattery makes me feel very well. I shall discuss what I believe are some of the motivations, as I see them, of the Soviet Union for being willing to sign the treaty. I note again the testimony of Dr. York, who, by the way, is considered one of the outstanding scientists. All during the 1940's and during the administration of President Eisenhower he made and continues to make a great contribution to his country.

The thrust of Dr. York's testimony was to the effect that while we may be able to build bigger bombs and more weapons, and to increase our military strength, we do not necessarily increase our security.

For example, during the late 1940's, when we had a monopoly on atomic weapons, and during the 1950's, when we were far out in atomic weapons, we saw the gap of our security being closed even as we stepped up our pace to improve our atomic weaponry. In other words, even as we stepped up our efforts, the Russians were stepping up their efforts. While we were building bigger bombs, going away from the kiloton range in fissionable material to the megaton range in fusion bombs, and acquiring hundreds and thousands of such weapons, supposedly giving us unbelievable power—and they do give us unbelievable power—our security has not increased in direct proportion to the weight of the bombs or the yield of the bombs. We were much stronger in the 1950's vis-a-vis the Soviet Union than we are today even though we have a great arsenal of weapons.

I believe the Soviets may very well have come to the conclusion that they have enough weapons adequately to defend themselves, just as I hope we have come to the conclusion that we, too, have enough weapons adequately to defend ourselves. Possibly that within itself is one of the reasons why the Soviets have given favorable consideration to the treaty. But that is a subject I shall discuss in more detail later.

What I am most impressed about from the testimony—and it is a large volume of testimony—is the fact that, with few exceptions, the witnesses who appeared before the committee supported the treaty. They supported the treaty regardless of their politics, their occupation, or their profession. Some were in opposition. Those few in opposition were given a full hearing. But those who were in opposition were, to my mind, fully refuted by those who supported the treaty. There was excellent testimony from many scientists. I think it could be said that if one were in a court of law, he would judge from the evidence that was placed before the committee that the overwhelming burden and weight of the evidence was in support of the treaty and not opposed to it.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Alabama.

Mr. SPARKMAN. The Senator has made a very fine point relative to the preponderance of the evidence. In effect, he said that the overwhelming preponderance of the evidence was in support of the treaty. That was true from the scientific level, the military level, and the public level, was it not?

Mr. HUMPHREY. The Senator is absolutely correct.

Mr. SPARKMAN. We hear a great deal of talk about our military being opposed to the treaty. Is it not true that the overwhelming evidence of the military supported the treaty? Under our system of government, the military leadership is the chairman of the Joint Chiefs of Staff and the members of the Joint Chiefs of Staff. Did they not testify that they participated in the negotiations, that they helped to write the instructions that Mr. Harriman carried to Moscow with him, that they were kept advised

of the wording of the treaty as it developed, and that they approved it?

Mr. HUMPHREY. The Senator is absolutely correct. The Senator may well recall the testimony of the Commandant of the Marine Corps, General Shoup, who testified that he was kept fully apprised of the negotiations, even up to the very time that the initialing of the document took place.

Mr. SPARKMAN. Mr. President, will the Senator yield for another question?

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. The Senator has put into the Record some of the documents relating to the proposal by President Eisenhower showing the similarity of the proposal of President Eisenhower to that of President Kennedy. Does not the Senator also recall the testimony of Dr. Kistiakowsky?

Mr. HUMPHREY. Yes.

Mr. SPARKMAN. As I recall, he was President Eisenhower's consultant.

Mr. HUMPHREY. He was his science adviser.

Mr. SPARKMAN. Dr. Kistiakowsky testified that he was present in 1959 when the treaty was submitted, and that there was practically no difference between the effect of that proposal and the present proposal.

Mr. HUMPHREY. The Senator is correct. Again I believe these references help to document the record that those officials who have had the responsibility for the security of our country and the direction of our foreign policy have fully supported the type of proposal and the objectives of the proposal in the treaty that is now before the Senate.

Mr. SPARKMAN. The testimony by Dr. Kistiakowsky may be found beginning on page 852 of the hearings.

Mr. HUMPHREY. I thank the Senator from Alabama.

Mr. President, what all of this leads up to is the fact that those individuals who either are now or have been primarily responsible for the military security of the United States have testified in support of ratification.

The doubts have been weighed and evaluated by those individuals. What doubts they have had have been reconciled in behalf of the treaty, because the advantages of the treaty to our country outweigh what they consider to be its limitations.

The individuals to whom I have referred include, among others, the Secretary of Defense, the Joint Chiefs of Staff, the present and former Director of Defense Research, the Chairman of the Atomic Energy Commission, the Director of the Central Intelligence Agency, and the former science adviser to President Eisenhower.

Let us be perfectly clear about their testimony.

I have said in this debate that I wanted my remarks to be prudent; and I trust responsible, to the point, and conservative in terms of their implications relating to the meaning of this treaty.

Not one of the witnesses said there were no risks involved in ratifying the treaty. But each one did say these risks were far less than those encountered by not ratifying it. Every Senator knows

that others testified in opposition to the treaty. But it is incontestable that those scientists, Government officials, and military officers supporting the treaty were precisely those with access to the latest and most comprehensive intelligence and scientific data on which to reach the most balanced conclusion.

That is an important statement, because some of the testimony in opposition to the treaty was not based upon the latest intelligence information. This point has not been fully made. The witnesses who supported the treaty—who came from the scientific community and from the military in the months of September and August, 1963—had full access to the latest intelligence and scientific data. At least one or more of the witnesses in opposition did not.

I have gone through the testimony. First, I was a participant in the hearings. I attended most of the hearings, although there were some I could not attend. I have gone through every page of this document which comprises the hearings, a copy of which is before each Senator. I have studied this volume of hearings. I can say, in all good conscience, that this testimony should set aside any honest concern any conscientious Senator feels with regard to the military security of this Nation, insofar as the impact of the treaty is concerned.

On the basis of this testimony, I have no reasonable basis for concluding that ratification of this treaty would expose the United States to unacceptable military risks.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. There is a theme which has been consistently voiced by critics of the treaty. It was voiced recently by a Wisconsin newspaper, which also carried an excellent article by the Senator from Minnesota defending the treaty. On the basis of that theme the Wisconsin newspaper has taken a position against ratification of the treaty.

Mr. HUMPHREY. I was not very persuasive, then, was I?

Mr. PROXMIRE. This is, of course, an issue as to which there are many reasons for taking a position.

I know the Senator will deal with the theme in his speech, or perhaps he has already dealt with it. He is an expert on the subject. The theme to which I refer is the argument that the Russians cannot be trusted.

Mr. HUMPHREY. Yes.

Mr. PROXMIRE. The editorial finally concluded that the United States should not adopt or ratify the treaty because the Russians could not be trusted.

In the article written by the Senator from Minnesota, the Senator said that this was irrelevant. The treaty is not based on trust, as I understand, but is based on our monitoring devices and our capacity to detect any test conducted by the Russians.

Is it not true, however, that it would be possible for the Russians to engage in subkiloton testing, testing of weapons of less than 1 kiloton, in the atmosphere? Could they not engage in some tests

which might be useful to them which we could not detect?

Mr. HUMPHREY. That is a possibility. There was testimony concerning this by the scientists—not by the Senator from Minnesota [Mr. HUMPHREY], but by men who have developed the weapons now in our nuclear arsenal. They are the most able atomic scientists in the world. The testimony was to the effect that such clandestine tests, if undertaken by the Soviet Union—at great risk, I add, of being caught—would allow little or no military advantage to them. That is what they said—"little or no military advantage to them."

I was going into a discussion of that point in my prepared statement today. I will say now that we do not base the treaty on faith, hope, and charity. The treaty is not based upon any great love for or respect for the officials of the Soviet Union. The treaty is not based upon any regard for their veracity or for their record of fulfillment of treaty obligations.

The treaty is based upon what we consider to be mutual advantages to the United States, to the Soviet Union, to the United Kingdom, and to other signatory nations.

Any treaty which does not offer advantages is seldom kept. Seldom is it worth the paper it is written on. A nation does not sign a treaty merely for an exercise in penmanship. A nation signs a treaty because it seems to have something within its context which is to its advantage, or meets some of the nation's needs.

Furthermore, the detection, identification, and monitoring in respect to the treaty, relating to nuclear explosions, is not to be done by an international agency. We will not rely upon the Soviet Union. We will not give the Soviet Union a veto. We will rely upon our own national system of verification, identification, and monitoring. We have spent hundreds of millions of dollars to develop such a system, and it is a good system. Every Senator knows it is a good system.

Those of us who have seen the reports from the Atomic Energy Commission, from the Air Force, and from the Central Intelligence Agency with regard to Soviet tests get those reports as the result of our monitoring, identification, and verification system. This is the only way we can know how many tests the Soviets have conducted. We seem to be fairly sure as to how many weapons or devices they have exploded or set off in the atmosphere, under ground, under water, or in outer space. Why are we sure about these things? Because we have developed a system which is a reasonably reliable one.

No one would say it is absolutely perfect. Of course, that would be ridiculous. There is not a man in America who can say that he can walk out of a door and be safe. But the odds are that he can.

There is no guarantee that everything will be perfect. Those who want that kind of guarantee are in the wrong environment; they should be in heaven, not on earth.

Mr. PROXMIRE. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. PROXMIRE. The Senator is absolutely correct in that regard. Risks are involved, no matter what course we follow. There are terrible risks of nuclear accident or catastrophe of some kind if there is not at least some beginning toward control.

What I should like to ask the Senator relates to trying to assess the risks involved under this particular treaty. I understand, for example, that there are three possible ways under this treaty in which the Soviet Union, allegedly, could test, in the atmosphere without being detected. These illegal tests might give the Soviet Union an opportunity to advance its art, to advance its knowledge, and advance its military capability, as compared to ours.

First, they could test out subkiloton explosions and antimissile systems to the extent of determining how a nuclear explosion, even a subkiloton explosion, might distort our capability to determine the path of incoming missiles. It was asserted that we have not conducted those tests to the extent that we would have liked.

Mr. HUMPHREY. It depends on who said we have not conducted these tests to the extent that we would have liked. There are some who say there is no limit to the number of tests we want to conduct.

Mr. PROXMIRE. I am referring to Dr. Edward Teller, who, I think, raised several profound and disturbing questions—I am sure the Senator will agree—in the hearings. One of the questions he raised relates to what tests we had planned that we now will cancel in view of the proposed agreement. As I understand, the tests which he said we had planned included tests which would develop our skill in detecting incoming missiles and permit us to develop a better antimissile system.

Mr. HUMPHREY. We shall have to explore this area in some detail, because Dr. Edward Teller made several points, or attempted to make several points, relating to the antimissile system. I believe his testimony was fully answered. His testimony was more than fully answered by Dr. Brown, Dr. Bradbury, Dr. York, and Dr. Kistiakowsky. There are those who finally disputed Dr. Teller's knowledge of antiballistic missile development.

I do not claim to know anything about the scientific arguments, and I shall not argue with Dr. Teller, but the argument that was advanced by eminent scientists, men like Dr. Brown, who is a man of great competence, answered the argument of those opposed to the treaty. Dr. Brown has access to the latest intelligence information. Regrettably, Dr. Teller does not, because he is not in a position where the latest intelligence information is available.

The Senator from Montana [Mr. MANSFIELD] put this case right to Dr. Brown. He said:

Dr. Teller on yesterday made a statement which you have referred to, which you have answered in part, at least, during the course

of the questions asked this morning, but I want to ask a question verbatim because your name is mentioned.

Mr. PROXMIRE. What page is the Senator reading from?

Mr. HUMPHREY. Page 557 of the hearings. I continue to read:

I quote: "I would like to ask"—this is Dr. Teller speaking:

"I would like to ask you to question witnesses, Dr. Brown, as well, who has the responsibility in this matter, as advisers of the Government, what tests, what atmospheric tests, have we planned. Why have we planned them? Why did we feel that we need them for ballistic missile defense, and for the insurance of our retaliatory capability? What would happen if we did not carry out these tests?"

Dr. Brown. Yes, sir. It is a series of questions. I will try to answer them.

I cannot describe in individual detail the tests in open session, but I can tell you what kinds they were. They were, the tests which were planned, are planned, if atmospheric testing is resumed, and for which preparations are being made, include tests on the effects of surface shots on hard sites.

They are large tests, hundreds of kilotons, and of course, would be easily detectable.

They include tests on the effects of nuclear explosions in the atmosphere on blackout, and tests on the effects of nuclear explosions on reentry vehicles.

Some of this information can be obtained by underground tests but much of it cannot and the information can be gotten better from atmospheric tests. If the atmospheric tests are not conducted, we are going to go ahead and design our systems so that these uncertainties, which could be reduced with atmospheric tests, are compensated for by the design of the systems, and that is what we would have planned to do anyway.

This way we will have to compensate for slightly greater uncertainties. But there are some uncertainties that we can't compensate for no matter how many atmospheric nuclear tests were done.

We don't know how big the Soviet warheads will be in 1970, we don't know how good their accuracy will be in 1970. We don't know how vulnerable their incoming vehicles will be.

We have to design our systems around those uncertainties, and we will, we will design them, if necessary, around the remaining uncertainties in nuclear effects, we have already been doing so.

The testimony continues. Dr. Brown corroborates the testimony of Secretary McNamara that in the antiballistic missile field we have considerable information, and denied that we had inferior knowledge as compared to the Soviet Union.

Later, Dr. Kistiakowsky, as did Dr. York, both eminent scientists, stated it seems to be extremely difficult to build an antimissile system that can stop penetration of an enemy's ballistic missile system, and that it was felt we must build an effective missile system.

I say to the Senator from Wisconsin that the best answer is to read the testimony and satisfy himself. He is not going to be satisfied by the statements of the gentleman from Minnesota, HUBERT HUMPHREY, nor should he. I am no expert in this field. The Senator should not take my word for it. But I suggest to the Senator from Wisconsin, who is a thorough student, a man who does his homework, that he read the testimony of Dr. Teller and Dr. Foster

on one side, and Dr. Bradbury, of Los Alamos, Dr. York, former research defense adviser for the Eisenhower administration, Dr. Kistiakowsky, and Dr. Harold Brown. There are at least six or seven scientists, everyone of them competent, everyone of whom has made a great contribution to this country.

As a Senator who is not a nuclear physicist or a scientist, I must look at the testimony and ask, "Which of these men seems to make the most plausible argument?"

It seems to me that when one hears or reads the testimony he must be moved very much and influenced by the wise and responsible words of Dr. Kistiakowsky and Dr. York. These are not men who now work for the Government. They have worked for the Government, as has Dr. Teller, but they have occupied key positions in the nuclear weaponry field of the Government of the United States.

Mr. PROXMIRE. The Senator from Minnesota is correct. The record of the hearings should be read carefully. I have been doing it. I have almost completed reading the record of the hearings. Often hearings are so voluminous that it is impossible for a Senator to read them, but this is the most important decision that will be made in the 6 years I have been in the Senate, and I want to read the more than 1,000 pages of hearings very carefully.

I value very highly the opinion of the Senator from Minnesota. He has been my leader in the field of arms control. He is one of the best informed men in the country. As a Senator who must make up his own mind, I want to get a balanced view, and not merely the views of scientists or physicists. Responsible, sincere patriots came before the committee. Some say the treaty is bad, and some say it is good. We cannot defer to an opinion merely because of one's authority or position. We must make up our own minds. I am sure the Senator will agree.

Mr. HUMPHREY. I thank the Senator for his kind remarks.

I note for the information of the Senator that at page 852 of the hearings begins the testimony of Dr. George B. Kistiakowsky, of Harvard University. On page 854 he discusses breakthroughs in design of warheads for penetration, relating to antiballistic missile systems and advances in distinguishing between decoys and incoming weapons, which relates to radar and nuclear warheads. He comments on an antiballistic missile system.

Listen to this testimony. This is Dr. Kistiakowsky, who, more than any other witness, impressed me. I was impressed by his Solomon-like characteristics. He seemed like a wise man, and seemed to me a very prudent, cautious, responsible man. All witnesses would fall within that category, but this witness more than any other. Here is what he had to say:

Much has been made of the necessity to actually exercise any ABM system if it is to be effective when needed. I would make the following observations with respect to this argument.

First, such tests are not likely to be very productive even with the best of efforts since

they must be conducted against one's own, and not the adversary's, warheads. One can have as much, perhaps even more, confidence from underground nuclear explosions, properly instrumented, and ABM exercises that do not actually involve detonating warheads if coupled with a careful and continuing theoretical analysis taking into account all that is known from intelligence sources regarding the adversary's missiles.

Second, the same disadvantages, if indeed there are any, in not exercising a system will apply equally to the Soviet Union.

Before leaving the ABM problem, which seems to be, perhaps, the issue of greatest concern to those who question the wisdom of the treaty, I would like to make one other observation. I am not really intimately familiar with this important problem in all its technical details. Neither have been most of the other witnesses who have been heard. I would therefore urge that the committee give special weight to the testimony of Harold Brown, who, to my knowledge, is the only witness so far heard who can speak with real authority regarding the total ABM problem, and the related developments in offensive systems. He has access to all of the intelligence regarding Soviet activities and all of the expertise in the United States on our future capabilities that relate to the problem.

Based on my own knowledge, I believe it very likely that the offense has now, and with even only moderate efforts to counter ABM development, will continue to have, a commanding lead over the defense for as far into the future as we can foresee.

If we go back to the testimony of Dr. Brown, at about page 528, we find that Dr. Brown had a great deal to say about the antiballistic missile system. His testimony is too long to read. Dr. Brown points out that we have considerable knowledge in this area. We have the capability to develop such a system; but, like Dr. Kistiakowsky, Dr. Brown feels that the offense will always have the advantage in this area over the defense. I want the RECORD to note the extensive testimony of Dr. Brown, who was questioned at length by the members of the committee.

Dr. York had this to say, at page 758 of the hearings:

However, I am very much more optimistic with regard to what human ingenuity can accomplish in the way of designing ballistic missiles which can easily beat or penetrate any antiballistic missile system. The race between offense and defense is a race between a tortoise and a hare and if only the hare does not go to sleep, the tortoise has no chance.

Therefore, in connection with the so-called Soviet antiballistic missile problem, I believe the concern expressed by many is misplaced and that primary emphasis should be placed on making sure that our own ballistic missiles will penetrate, and not placed on the question of precisely where we stand vis-a-vis the Soviets in the development of antiballistic missiles themselves.

The matter of penetration has nothing to do with warheads. It has something to do with rockets, with the thrust, with the radar system, with the computers, and the other facets which Secretary McNamara described.

Therefore, as a Senator, and as a layman who has limited technical competence, I must ask, Whom am I to believe? What evidence must I consider? When I hear the testimony of the Secretary of Defense who is at the head of the greatest research department in the world,

when I hear the head of the Los Alamos Laboratory, who is the director of the research for the Department of Defense; when I hear Dr. Harold Brown, who was a collaborator and partner with Dr. Teller in the development of the hydrogen bomb; when I hear Dr. York, who was with President Eisenhower as Director of Defense Research; when I hear Dr. Kistiakowsky, who is the science adviser to the President and one of the greatest scientists in the world; and when they all stand on one side and say this treaty is to our advantage and should be ratified, and when they say the problem is not the antiballistic missile system, but it is a matter of perfecting the offensive, all I can do is consider the testimony and come to the conclusion that on the antiballistic missile item, at least, the proponents of the treaty have the better of the argument.

Mr. PROXMIRE. The Senator makes a conclusive answer, but I feel that we must evaluate the position of the proponents of the treaty. It is true that they have a preponderance in numbers. There is one more thing which, if it does not puzzle Senators, at least gives them some pause, and that is that there must be a subtle evaluation of the testimony of the administration witnesses after the treaty has been initiated.

Mr. HUMPHREY. I agree.

Mr. PROXMIRE. The fact is that there is a commitment. We cannot expect anyone working in the Defense Department or in the Military Establishment to come before the Senate committees and say, "We advise you not to support the President, not to support the position already taken by the administration; our position is that this treaty is unwise."

At least one member of the Joint Chiefs of Staff, General LeMay, indicated some hesitation about it. But there is a feeling that the testimony of Dr. Brown, who is under the orders of Secretary McNamara—

Mr. HUMPHREY. He is a civilian.

Mr. PROXMIRE. That is true, but he is still under the direction and discipline of the Secretary of Defense.

Mr. HUMPHREY. Dr. Brown does not need the job.

Mr. PROXMIRE. I am sure of that.

Mr. HUMPHREY. He can leave this Government and get five times the money he is now getting in the Federal Government service.

Mr. PROXMIRE. The Senator makes a point.

Mr. HUMPHREY. He is where he is because he loves his country, and he is putting his brilliance at the service of his country. Any one of these scientists could leave the Government service and get five times the income they now get.

I know what the Senator has in mind. Dr. Brown is a man of the highest professional and ethical standards. He has a great reputation, which is a part of his character and a part of his background; and no one can tell him how he is to testify.

By the time Senators get through working a witness over, if he is trying to take a position only to please Secretary McNamara or President Kennedy, he

will be caught. The best way not to get caught is to tell the truth. No man has a greater reputation than Dr. Brown. The same is true of Dr. Teller. I do not question Dr. Teller's motivation and sense of integrity. Why should I? This man has done a great deal for our country. He ought to be honored, instead of abused. He has a point of view. But he has a minority point of view.

Mr. PROXMIRE. The most disturbing point raised by Dr. Teller is that we have been consistently wrong in our intelligence estimates of the Soviet Union's capacity and of our own capacity. In 1945, 1946, and 1947, after we had developed the atomic bomb, we were told by our outstanding experts that we could not develop the hydrogen bomb. We did it. We were told that the Soviet Union probably could not develop an atomic bomb for many years. They did it in 4 years. We were told that they could not make the hydrogen bomb for many years, but they did it. They beat us to it.

Mr. HUMPHREY. Mr. President, will the Senator hold up on that point for a moment?

Mr. PROXMIRE. I should like to make my point; then I will hold up on it. It seems to me that the areas in which intelligence is likely to be most vulnerable and most likely in error is in trying to estimate the knowledge that a potential enemy may have and his capacity to develop his knowledge in this field, which has been proceeding at such a rapid pace.

Mr. HUMPHREY. The scientists who have advised this Government have not underestimated what the Soviet Union can do. Those who write press releases or make speeches, and the commentators, might have underestimated what the Soviet Union can do, because the favorite pastime in the United States is to make the Communists look either like pygmies or giants; to make them look either 2-foot tall or 10-foot tall. They are neither. They are people. They have able scientists.

The U.S. Government has made it quite clear throughout the years that the Soviet Union was perfectly capable of developing an atom bomb. So are Israel, Egypt, and Formosa, if they are given the resources.

Mr. PROXMIRE. But the estimates of time were crucial and they were far off.

Mr. HUMPHREY. Estimates of time are matters of human judgment. For example, we were wrong in our estimate of the time the Soviet Union would need to develop an atom bomb. That is understandable.

But I add, further, that even if we had a test breakthrough—and I shall discuss this point later—it takes time to be able to interpret what such a test means, to develop into weaponry the information gained from such a test, to get the weapon into the arsenal, and to phase it into military strategy.

One final point ought to be made. Who really believes that any nation can win a nuclear war? We discuss this subject as though it were a game of ping-

pong, a game of croquet, or a game of football. We speak of it as though someone will make a touchdown, and between halves the coaches will get the team together, think up a new play, and then come through with a touchdown that will win the game.

We talk about exploding nuclear bombs as though it were some form of sport. We are talking not about life or death. We are talking about death and destruction. We should put the discussion in proper perspective. I do not speak in criticism of the Senator from Wisconsin. I merely say that the discussion should be on the merits of a test ban treaty.

We are not talking about outlawing bows and arrows. We are not thinking of a limitation on the number of deer that can be shot next season. We are talking about weapons in existence today that are large enough to demolish any city in the United States. We talk about 100-megaton bombs. We talk about knocking out New York five times. There is no need to knock it out more than once.

Mr. PROXMIRE. The danger of nuclear war might be greatly enhanced if one side could obtain a sharp, decisive advantage, particularly in the area of an antiballistic missile system so that that side would be able virtually to eliminate the retaliatory power of the other side. That is the point of the analogy the Senator from Minnesota gave us, which came from Dr. York, as to the difference between offensive and defensive wars; the race between the tortoise and the hare; if only the hare does not go to sleep the tortoise has no chance.

The question may be raised, "Are we going to act the part of the hare and go to sleep by not testing ourselves, thus giving the Soviet Union the advantage of testing in the atmosphere in violation of the treaty?"

They may thus be enabled to develop a perfect antiballistic missile defense system which would give them a supreme advantage and the opportunity to achieve victory.

Mr. HUMPHREY. I know the Senator's question is directed in terms of the elucidation of information, and not argument.

Mr. PROXMIRE. That is correct.

Mr. HUMPHREY. I shall try to speak to the point. It is possible that the Soviets might test subkiloton devices or weapons in the atmosphere and not be caught. But there will be many windoopeners, many private eyes, looking at them, because at least 100 nations will sign the treaty, and the risk of being caught, if one is trying to make a breakthrough in science, is too much. A signatory had better announce that in 90 days it will break the treaty; because under the treaty, I believe there is the right, for compelling reasons, for a nation's own security or its national needs, to serve notice that in 90 days it will abrogate the treaty. During that period of time, preparations for testing could be made.

Why take a chance on acting secretly when one can do what he wants to do without acting secretly? The treaty

provides for abrogation by us as well as by other nations. It provides for a withdrawal from the treaty. If a nation abrogates the treaty, it runs the risk of being caught, without at any time obtaining a decisive military advantage from one little test or series of tests that it might be able to make.

The only knowledge I have on this subject is that obtained from the experts. I heard the experts, those outside the administration, who came before the committee at their own request or who were asked by the committee to appear. Those experts told us that the possibilities of decisive or significant military advantage from the abrogation of the treaty, sneakily, were minimal. I cannot believe that the risk involved either in the cheating or the abrogation is as great as the risk of unlimited testing. That is what we are really discussing. We are not living in a world where we can say that no one is really going to test, or that no one will test without a treaty, and therefore everything will be fine. If we do not have a treaty, it is entirely probable that some nation will test.

If the Soviets test under the treaty, the argument goes, the testing ought to be wide open, as if we were not under a treaty. Would not that be correct?

Mr. PROXMIRE. And so could we.

Mr. HUMPHREY. And so could we. So all that would remain would be to continue the race again. That was the burden or the heart of the testimony.

Under such competition, where we test, they test, we test, and they test, no one obtains a decisive advantage. In the competition of testing, the gap between our own superiority and the inferiority of the Soviets has closed; and the more they test, the less security there will be in the world.

Mr. FULBRIGHT. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. FULBRIGHT. I should like to discuss one point that I understood the Senator from Wisconsin to make; namely, that the Soviets, by small tests, might develop an anti-ballistic-missile system. The testimony is quite clear, from Dr. York and Dr. Kistiakowsky, and others, that the real problem in the field is not the weapon itself—the nuclear warhead; the real problem is in the field of detection or discrimination; of the weapon's oncoming speed; of the explosion. The actual warhead is no problem. At one point it was said that we have all the warheads we need.

Mr. PROXMIRE. When I started my questioning, I asked the Senator from Minnesota about the possibility of subkilotonic explosions being used to distract our capacity to determine the path of the incoming missile; of its being used to destroy our ability to set up an antiballistic-missile defense that would work.

Mr. FULBRIGHT. It was also testified that we will pursue work on the antiballistic-missile system within the limits of the treaty, in order to test the penetrability of our weapons. We have a strong incentive to do everything we can to develop an anti-ballistic-missile sys-

tem that will have no less penetrability than the Soviets have.

There is no intention on the part of our scientists to desist from experimenting to the limit of their capacity in the development of techniques of an anti-ballistic-missile system—the best we can get.

Mr. PROXMIRE. But we would not violate the treaty by testing subkiloton bombs in the atmosphere. The Russians could. If they did, they could do so without being detected.

Mr. FULBRIGHT. If the Senator is making the efficiency of our own detection system a consideration, I can only refer him to the testimony of Dr. Northrup, who discussed the question in detail. It was necessary for him to do so, in executive session, because this is a sensitive field, but the Senator might read it if he wished to do so.

Dr. Northrup went into great detail, in executive session, about what is being done, what has already been done, and what is being planned to be done in regard to detection. He said that if there has been any breakthrough in the whole gamut of activities in this field, it has been in the area of detection.

Mr. PROXMIRE. I thank the Senator. That is a very helpful answer. It means that there is some question as to whether a subkiloton explosion made now might be detected by us. Russia could not safely cheat. And in the future any explosion of that sort would be increasingly more likely to be detected by us.

Mr. FULBRIGHT. That is correct. It would have to be very subkiloton if it were to go undetected. I believe it would have to be much smaller than the kind, for example, that was dropped in the last World War. Dr. Northrup feels that great progress has been made and is being made in the field of detection—both atmospheric, underground, and underwater. That, unfortunately, was one of the areas of testimony which they did not wish to make public.

Mr. HUMPHREY. It should be made clear to the Senator from Wisconsin that he can see this testimony.

Mr. PROXMIRE. I thank the Senator.

Mr. HUMPHREY. The Berkner report, of a few years ago, under the administration of President Eisenhower, stated that a considerable amount of advance had occurred in the field of the detection of nuclear explosions. The whole area of seismology has been updated. We have devoted to this field substantial amounts of our resources. This is one of the "hush hush" topics, and we can well understand why.

Mr. PROXMIRE. Of course.

Mr. HUMPHREY. But our Government had a very good record in detecting nuclear testing by the Soviet Union. Not only do we know what tests have been made; we also know where they took place, the times, the sizes, the chemical composition, the metallic construction, the yield, and the other factors. This information was not obtained by us through any sort of mysticism; it was obtained through the processes of sci-

ence. The Joint Chiefs of Staff were very reassuring on this point. The excellent report of the Committee on Foreign Relations state, on page 18:

The dangers of detection and the cost and difficulty of testing in outer space would tend to impose severe restrictions upon such clandestine testing. Other clandestine tests in the atmosphere or underwater, depending upon their size, would involve a fairly high probability of detection by our conventional intelligence or our atomic energy detection system. Moreover, the Joint Chiefs of Staff consider the resulting progress which the Soviets might make clandestinely to be a relatively minor factor in relation to the overall present and probable balance of military strength if adequate safeguards are maintained.

That means that the Joint Chiefs are saying to the Senate, in conservative language, "We have developed a very reliable system of detection, verification and identification, and this system serves as an additional protection in connection with our adherence to the treaty."

If the Senator from Wisconsin will read what the chairman of the Foreign Relations Committee has suggested, I am sure he will be very much reassured by the executive testimony.

Mr. PROXMIRE. As shown on page 467 of the hearings, Dr. Teller made an interesting reply to Senator Long:

Senator LONG. In the event they were able to develop a missile defense against our ballistic missiles, and then proceed to breach the treaty just long enough to prove it out, would there be time for us to do the same thing after we found out that they had violated the treaty.

Dr. TELLER. I am virtually certain there would not be time enough. We would be lucky to get off to meaningful testing in 3 months, whereas they, if they have indeed perfected, installed, but not completely proven out their antiballistic missile equipment, they could abrogate the treaty in a day, use the next week for 100 or 500 detonations, and if they then find the results unsatisfactory, they will have lost a treaty.

If they find it satisfactory, they will have won the world.

That testimony seemed to me—coming from Dr. Teller, the father of the H-bomb—

Mr. HUMPHREY. I believe the H-bomb has many, many parents.

Mr. PROXMIRE. Yes; but certainly he is one of the principal parents, and is a man of responsibility.

Mr. HUMPHREY. Indeed he is.

Mr. PROXMIRE. His reply is very disturbing, and would suggest that it is possible—although unlikely—but possible that Russia could be in a position to test during a period of a very few days, and then find that their system worked, and then initiate a war in which they would be fairly certain to impose on us far, far more destruction than we would impose on them.

I recognize that any nuclear war would be a terrible disaster for mankind. But we are dealing with a different kind of country in the Soviet Union. These people have for 45 years been brainwashed with the notion that Communist domination—by force and violence, if necessary—is the wave of the future.

Mr. HUMPHREY. However, I point out that Dr. Teller's theoretical objection has been answered by some of his

distinguished scientific colleagues. So the question is, which scientists do we believe?

Furthermore, even if a test were to be made, it takes time to obtain such a weapon. It takes from 3 to 5 years to develop a weapon, after the test is made.

This matter has been testified to in the committee. If we assume that the worst happens—that the Soviet Union abrogates the treaty, makes a series of tests—perhaps a great series of tests such as the ones they made in 1961 and 1962—and makes a significant breakthrough—we should realize that once they have that scientific information, they still must be able to put it into what is called a weapons system, for the purpose of weapons delivery.

Mr. PROXMIRE. But, as I understand, that is not the way Dr. Teller answered the question. He said he assumed they would first develop the weapons using undetectable subkiloton tests. Then they would see whether they would work. They would try them out; and, if they did work, they would strike immediately with them. In other words, the weapon would be developed first; then a test would be run, to perfect and further refine the weapon. The test would be to determine whether the weapons would work; in fact. Once they found that they worked, "that would be it."

Mr. FULBRIGHT. Let me interrupt at this point, to say that is not quite the point, even under Dr. Teller's testimony, because the weapons must first be installed. As shown at the bottom of page 467, to which the Senator from Wisconsin has already referred, Dr. Teller said:

I am virtually certain there would not be time enough. We would be lucky to get off to meaningful testing in 3 months, whereas they, if they have indeed perfected, installed—

And so forth. Certainly such a system would not be installed before it was tested. That would be ridiculous. After it is tested, it must be installed, by whatever means one might undertake to use.

Mr. PROXMIRE. Read again what Dr. Teller said. He said: "If they have indeed perfected, installed," he said "installed," then they may test 100 to 500 detonations in a week. Then if it works, for us: Doomsday. Dr. Teller's position is that they would be perfected and installed before they were completely proven.

Mr. FULBRIGHT. Before they were tested?

Mr. PROXMIRE. Yes.

Mr. FULBRIGHT. Let me add that I believe Dr. York's testimony is the real answer. He pointed out that the only possibility, in his opinion, of perfecting an anti-ballistic-missile system is based upon the assumption that the missiles against which it was aimed remained static over a long period, so that we would know exactly what they were, whereas, as a matter of fact, the missiles and their delivery systems are being changed all the time. Certainly ours are being changed. This is one of the reasons why he feels quite strongly that an anti-ballistic-missile system can

never become effective. That is why he made the reference to the tortoise and the hare. In short, if the missile itself is changed, the system which would have been effective against it is, of course, no longer applicable. There are new guidance systems, and a very complicated system of decoys. After a missile is launched, at a certain point six or eight decoys go off from it. How could we stop such a missile when it was used under conditions which he describes as making it virtually impossible to stop it. I believe his testimony was that it is virtually impossible to perfect an anti-ballistic-missile system; and that although we shall develop one, we shall do it for the purpose of testing the penetrability of our own missiles, not because we believe we will stop theirs.

Mr. PROXMIRE. I presume, then, that we assume that the Russians will work on this, and that in the meanwhile we will change our missiles and will perfect them and prove them, in underground tests, and will do everything else we can, so that in the event our adversary does perfect an anti-ballistic-missile system, we will be prepared to breach it with a devastating new offense.

Mr. FULBRIGHT. That is one of the reasons why we are spending so much money on this work.

Mr. PROXMIRE. In other words, the hare of U.S. nuclear offense will not go to sleep. It will keep on running.

Mr. FULBRIGHT. We are spending approximately \$400 million on an anti-ballistic-missile system, partly with the idea we might stop theirs, but primarily to prove the effectiveness of our own missiles, rather than merely to build and to stockpile them.

Mr. HUMPHREY. The Senator may recall my reading the testimony of Dr. Harold Brown at the point at which he said that even with present knowledge, recognizing that the nuclear warhead blast would have some effect upon an anti-ballistic-missile system—we are trying to build into our missiles the so-called ABM system—those compensating factors will not overcome all the lack of knowledge we may have relating to such subjects, for example, as blackout, nuclear blast, and other aspects that were discussed in his testimony.

But Dr. York is not to be shunted aside as an incompetent witness. He is recognized as one of the outstanding men in the field of nuclear research and weapon development. He had the following to say, as shown on page 763 of the hearings. He was talking about the anti-ballistic-missile system:

I think this is a key question, because great emphasis has been given the ABM as being the only solution to this whole problem and one of the reasons we have been urged to reject this treaty by Dr. Teller and some others.

Dr. YORK. Well, what I tried to say, Mr. Chairman, is that I doubt very much indeed, and I have testified in past years many times on this subject in the House and in the Senate that it is impossible to build an anti-ballistic-missile defense. If one is looking for salvation in that direction, one is looking in the wrong direction, the reason simply being the great advantage of offense over defense.

It is the advantage of people working many years to try to develop penetration aids over a computer which must solve the problem in a matter of a few minutes.

People really are smarter than computers. Computers do things faster. But planners who work on penetration aids can succeed, and can succeed with relative ease, and by relative ease I mean in terms of time or money, it is simply easier to build devices that will penetrate a ballistic missile than it is to build an antimissile which can cope with it.

The CHAIRMAN. They can be more original, I take it, too, than computers.

Dr. YORK. Yes, that is right. People as compared with computers.

Dr. York went on to discuss the entire subject of offensive capability.

We could discuss the subject for weeks. The President of the United States, who is the Commander in Chief of the Armed Forces of our country and has the primary responsibility as the Chief Executive for the policies which relate to defense and the security of our country, must seek advice on technical subjects. He does not seek advice on scientific questions from Democrats or from Republicans or from nonpartisans. He seeks advice from those he believes to be the best and most competent scientists in the Nation. The advice which two Presidents have received, including the advice of Dr. Teller, has added up to a policy decision by one President who is one of the greatest generals this country ever had, and who led this country to victory on the field of battle, and by another President, who has had to come to grips with some of the toughest postwar problems our country has ever had. The advice that those two men—President Eisenhower and President Kennedy—have received has led them to what conclusion? It has led them to the conclusion that the treaty is in our national interest and would lend itself to the fulfillment of our national objectives. They have listened to the point of view and advice of the opposition as well as to the advice of those with whom they find themselves in more receptive relationship.

Dr. Foster, who is now the head of the Livermore Laboratories, came in with doubts about the treaty and I believe expressed his opposition to it. Dr. Bradbury came in from Los Alamos. He is for the treaty. The President of the United States and the Secretary of Defense, both of whom have asked the Congress for billions of dollars more for defense, are confronted with the question. Remember that we are spending approximately \$10 billion more for defense this year than we did in 1960. President Kennedy has not said, "Let us pretend that the world is a jolly place and everybody is happy." President Kennedy has not said, "We get along well with the Russians. Let us lay down our arms and enjoy a happy picnic." No. This is a President who has had to face the Soviets in Cuba and in Berlin.

He has listened to the testimony of those who are worried about various things. He has listened to those who maintain that the anti-ballistic-missile system of the Soviets will overwhelm us. He has listened to the testimony of oth-

ers. The President, the Secretary of Defense, the Director of Central Intelligence, the Secretary of State, and those who preceded them in the 8 years of the Eisenhower administration, have all come out on one side of the issue. They have said that a treaty banning nuclear tests in these environments in outer space, under water, and in the atmosphere is in our national interest.

I cannot help believing that such a body of testimony merits our favorable consideration.

Mr. PROXMIRE. Mr. President, will the Senator yield so that I may ask one additional question?

Mr. HUMPHREY. I yield.

Mr. PROXMIRE. Dr. Teller also argued that it would be possible for the Russians technically to abide by the treaty, while violating its obvious spirit, by having explosions a few feet or perhaps a few inches underground. These would be large explosions which would test out their hardened missile sites, something we very much want to do but have not yet done. We would not conduct the same tests because we are more conservative in applying the terms of the treaty. While such tests might not be a technical violation, obviously they would violate the spirit of the treaty. The tests would scatter all kinds of radioactivity in the air.

Mr. HUMPHREY. Yes.

Mr. PROXMIRE. I did not see Dr. Teller's assertion of that point in his testimony before the Committee on Foreign Relations. However, earlier he testified to that effect before another committee. His testimony was printed in the New York Times.

Mr. HUMPHREY. Yes, I read it.

Mr. PROXMIRE. I wonder if the interpretation of the treaty makes clear that any explosion a foot or perhaps a couple of feet below the surface of the earth would be a violation of the treaty? It makes all the sense in the world that it should be, because it would scatter radioactive materials over the earth, and such tests would violate the purpose of the treaty.

Mr. HUMPHREY. Exactly. The Senator has answered his own question. A definition of an underground test was entered into the report and appears on page 22 of the report.

Mr. President, I ask unanimous consent that the entire definition as printed in the report be reprinted at this point in the Record.

There being no objection, the definition was ordered to be printed in the Record, as follows:

DEFINITION OF UNDERGROUND TEST

The Secretary was asked if agreed criteria had been established to determine what constitutes an underground test. This is a complicated question; very shallow subsurface tests may be more productive in terms of knowledge gained than deeper tests, and they are obviously cheaper. Secretary Rusk replied:

"There are potentially, looking ahead over the years, potentially many dozens, perhaps even hundreds, of contingencies which might develop through technical advance or otherwise, which I think could not be spelled out in detail in such a treaty; it would even be, I think, unwise to attempt to spell this out

in the enormous detail that would be required to try to anticipate all those things that we could think about now because we would almost certainly not think about some that are going to arise with technical advance.

"Now * * * obviously this treaty permits a clear underground test where the explosion is underground, where the testing apparatus is based on that phenomenon, and I would think that we would not think that it applied to a surface explosion which was christened by a few shovelfuls of dirt.

"If these marginal things occur or any pretense is made with respect to it we will know about them and we will be able to take whatever action is necessary in our own security, either with respect to insisting that it be stopped or the treaty collapses or * * * resuming our own freedom of action."

Mr. HUMPHREY. The Secretary said:

Obviously this treaty permits a clear underground test where the explosion is underground, where the testing apparatus is based on that phenomenon, and I would think that we would not think that it applied to a surface explosion which was christened by a few shovelfuls of dirt.

If these marginal things occur or any pretense is made with respect to it we will know about them and we will be able to take whatever action is necessary in our own security, either with respect to insisting that it be stopped or the treaty collapses or * * * resuming our own freedom of action.

Mr. PROXMIRE. We would regard that as a violation of the treaty.

Mr. HUMPHREY. That would be regarded as a violation of the treaty.

Mr. PROXMIRE. The point is clearly understood.

Mr. HUMPHREY. Dr. Harold Brown, Director of Science for the Defense Department, went into that question. The discussion is found on page 551 of the hearings. In part, it was as follows:

Senator SALTONSTALL. Now, Dr. Brown, as I recall, and I think one other witness was very emphatic that we should have ground rules as to what is meant by "underground."

Have you, as the Director of Science for the Defense Department, gone into that question at all and is any effort being made to determine what constitutes an underground test?

Dr. BROWN. This is, of course, partly a legal question, Senator SALTONSTALL. From the technical point of view, I think what I can say is that any test, any large test, that is not underground will be detected as not being underground, and so then it is a matter of what policy the United States wants to adopt. I would view a test that put most of its energy into the atmosphere as an atmospheric test and it would be detected as such, and so I would assume, as the Secretary of Defense said, that a clearly atmospheric test is illegal, even if there is a foot of dirt over it. But from the technical point of view, I have said all I can say on an expert basis.

What it boils down to is that Dr. Brown said that if the test should spew up debris, the explosion spreads the debris in the atmosphere outside the borders of the nation holding the test, that is an atmospheric test and not an underground test.

Mr. FULBRIGHT. I add, if the Senator will yield, that the language of article I(b) of the treaty is quite clear on this point. If any of the radioactive debris "be present outside the territorial limits of the State" the explosion is covered. If the explosion were close to the

surface, it would be almost certain to have that effect.

Mr. HUMPHREY. The air currents would carry the debris.

Mr. FULBRIGHT. That language would take care of it.

Mr. PROXMIRE. Except that in a territory as large as the territory of the Soviet Union it is possible that this might be done.

Mr. FULBRIGHT. It is possible, but improbable. It depends upon the winds and the location.

Mr. HUMPHREY. The Senator is making a very helpful contribution to the record. We have now been able to put into the record the full comment by the Secretary of State and the definition given by Dr. Harold Brown, Director of Defense Research and Engineering for the Department of Defense, that an explosion which was subsurface with a modest covering, in which the debris went into the atmosphere, would be considered to be an atmospheric explosion. This would leave the United States free to make its own decision as to the most appropriate U.S. response.

One advantage with respect to the treaty is that it leaves the matter of what we believe to be in our national interest to our own decision. It is true that it leaves that decision to the other parties, also, but we have always been concerned lest the Soviet Union exercise some kind of veto over the inspection arrangements. That has been eliminated in the treaty.

It is generally understood in the scientific community that our inspection and detection system is far superior to that of any other nation in the world. With the scientific apparatus we now have—seismic, acoustical, and electronic, plus our regular areas of intelligence information, I believe a test of the nature which the Senator has described as a limited subsurface test would be detected, and would give us grounds for any action we wished to take. I believe we are fully protected.

The Senator's questions have made the record much clearer.

Mr. PROXMIRE. I thank the Senator from Minnesota and the Senator from Arkansas for their very helpful responses. They have enlightened me as to portions of the treaty and the testimony which has been given about the treaty.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Kentucky.

Mr. COOPER. I should like to pursue, with a few questions, the subject raised by the Senator from Wisconsin.

I believe the great concern of those who oppose the treaty is related chiefly to the fear that the Soviet Union may have acquired, or may acquire in the future, by clandestine tests, information which we may not have about the effects of nuclear bursts, which would enable the Soviet Union to develop an antiballistic missile or a communications blackout. I am sure that is the concern of all Senators.

Mr. HUMPHREY. Yes.

Mr. COOPER. The thing which impressed me most about the testimony of

Dr. Brown was that he discussed fully and openly both favorable and unfavorable factors. We must differentiate between the information the Soviet Union may have already acquired and the information it might be able to acquire if it were able to test without the tests being discovered.

I invite the attention of the Senator from Minnesota and the Senator from Wisconsin to page 530 of the hearings, in the testimony of Dr. Brown, in which he states his judgment about the tests which have already been undertaken both by the Soviet Union and by the United States. The subject is "U.S.-U.S.S.R. High Altitude Tests Comparable." Dr. Brown states:

With respect to high altitude tests carried out for the purpose of determining the effects of nuclear bursts on communications blackout, radar blackout, and nuclear weapons vulnerability, Soviet and United States experience appear to be comparable.

Each side has had about the same number of tests, over yield ranges and altitude ranges which are comparable though not identical the number of nuclear tests carried out by related missile tests appears to be about the same although different techniques for making the measurements were used by the two countries.

Enough has been learned by the United States, to verify the existence, nature, and rough independence of blackout characteristics on yield and on altitude, although important details still have not been explored. The same is probably true in the Soviet Union on the basis of the tests which they have done.

Probably neither side understands the various phenomena sufficiently well to permit theoretical extension with complete confidence to some other altitudes, yields, and types of devices; but we have, and presumably the Soviets also have, enough information to enable us to take steps to design around our uncertainties.

That is a statement by Dr. Brown that our tests with respect to communications blackout and radar blackout are comparable to those of the Soviet Union.

Mr. HUMPHREY. That is correct.

Mr. COOPER. Is the testimony by Dr. Brown contradicted by testimony of other scientists?

Mr. HUMPHREY. His testimony has been substantiated by the testimony of other scientists. Earlier today I read the testimony of the famous Dr. Kistiakowsky, who said that he considered Dr. Brown to be the foremost expert in this area and the most knowledgeable man, because he had available to him the most up-to-date information, including scientific and intelligence information. Dr. York also testified along similar lines.

Mr. COOPER. I note in the statement that Dr. Brown says that our tests are comparable with respect to communications blackout and radar blackout, but he does not say that they are comparable with respect to nuclear weapons vulnerability. I assume such tests relate to an antiballistic missile.

Mr. HUMPHREY. Yes. A little later in the statement, at the bottom of page 530, after the paragraphs which relate to the "treaty's effect on development of ABM" Dr. Brown stated:

In summary, my best judgment and the judgment of those of us who have the responsibility for antimissile development and those who have the responsibility for mak-

1963

CONGRESSIONAL RECORD — SENATE

15759

ing intelligence estimates on Soviet missile elements, is that our ABM developments efforts are comparable in magnitude and in success with those of the Soviets. Any deployed system which the Soviets are likely to have now or in the near future does not appear to be as effective, almost certainly not more effective, than Nike-Zeus.

Mr. COOPER. Dr. Brown stated that in the three areas of communications blackout, radar blackout, and ABM development, the tests which the United States has conducted, though they may be different, are comparable in magnitude and success with the tests conducted by the Soviets. Is this correct?

Mr. HUMPHREY. That is correct.

Mr. COOPER. I think it is important, as does the Senator from Wisconsin, and all other Senators, that every fact be brought out in the debate, whether it is favorable or unfavorable, because we must consider every factor in determining the effect of the treaty on the security of our country.

In the statement made by General LeMay, he said he was not satisfied with the tests that had been undertaken by the United States. Would the Senator say that Dr. Brown, in his position, has access to every fact, every bit of information, in connection with these tests, and also, because of his scientific background and training, has the capacity to evaluate the tests, in a way superior to that of General LeMay? This is a difficult question, but I would like an opinion.

Mr. HUMPHREY. I could not say whether or not he would have more than General LeMay, although I believe in the scientific field he would be in a better position to evaluate the scientific aspects. With relation to the scientific witnesses, there is no doubt that Dr. Brown was in a more advantageous position. In this connection, I wish to read the testimony of Dr. Kistiakowsky as it appears at page 855 of the hearings. Dr. Kistiakowsky said:

I am not really intimately familiar with this important problem in all its technical details.

And he was referring to the ABM problem—

Neither have been most of the other witnesses who have been heard. I would therefore urge that the committee give special weight to the testimony of Harold Brown, who, to my knowledge, is the only witness so far heard who can speak with real authority regarding the total ABM problem, and the related developments in offensive systems. He has access to all of the intelligence regarding Soviet activities and all of the expertise in the United States on our future capabilities that relate to the problem.

When Dr. Brown was before our committee, I asked the same question relating to this very point. I put the question directly to Dr. Brown. It was a little embarrassing and difficult for me to do it, but I thought we had to get down to cases. I read from page 578 of the hearings:

Senator HUMPHREY. There is not any expertise on these matters and, may I say with all due respect to all the men who appeared before this committee, many men are making what are, I believe, statements which are not scientific facts. They have to deduce from certain facts that they have, and they have to presume and assume and

say, "I believe and I hope or I would imagine" and I believe and I imagine that it will accelerate the arms race.

Here is the question:

Finally, did Dr. Teller have access to information that is not available to you?

Dr. BROWN. No, I do not believe so.

Senator HUMPHREY. Does he have access to all the information that is available to you, intelligence information as well?

Dr. BROWN. I believe not. In fact, I know not.

Senator HUMPHREY. In other words, you have access to all the information that is available to Dr. Teller and there is no limitation upon your getting that information?

Dr. BROWN. I have access to intelligence, not only to intelligence information that, I believe, that I know, is not available to him, Senator HUMPHREY, but I also have the benefit, and I believe it is a benefit, in drawing my conclusions not only on my years as a weapons laboratory member and director, but on my subsequent experience here considering the broad military research and development problems and the military capabilities involved in such matters as antiballistic missiles, missile design, and so on, which are part of my responsibility as Director of Defense Research and Engineering.

Mr. COOPER. This is one of the points I wished to bring out. I recognize that our military leaders and scientists have individual views, but I thought it important to put in the RECORD that Dr. Brown had stated categorically in his testimony that the tests which had been carried out both by the United States and the Soviet Union, with respect to blackout and to nuclear weapon vulnerability connected with an ABM system, were comparable.

Mr. HUMPHREY. Yes.

Mr. COOPER. I also had known that Dr. Kistiakowsky, who as the Senator said, was the scientific adviser to President Eisenhower, had testified that in his judgment Dr. Brown had more information upon all aspects of the antiballistic missile situation than any other person.

Mr. HUMPHREY. That was his testimony.

Mr. COOPER. I make this statement because I think it bolsters the credibility, if it should be questioned, of the testimony of Dr. Brown. I think, also, that we must point out all the favorable and unfavorable factors relating both to tests which might have been made and to the possibility of tests by the Soviet Union.

As I read his testimony, Dr. Brown has stated that any attempt by the Soviet Union to conduct secret tests underwater or in the atmosphere, of any size and scope, could be detected. I believe he stated, however, that there was a possibility that the Soviet Union could conduct tests of low yield, very near the surface, which might not be detected. I assume that would be because it might not be possible to determine whether they were underground or just above the ground.

He also said it might be possible to conduct a limited number of tests, of low yield, in the upper atmosphere, at heights of 10 to 20 kilometers, without detection.

Mr. HUMPHREY. As I said earlier, that is within the realm of possibility. I urge that Senators heed the suggestion of the chairman of the committee

[Mr. FULBRIGHT], and read the secret testimony that was given by Dr. Northrup, if they have doubts on this point. This happens to be one of the most sensitive areas of our scientific knowledge. We have made improvements in our scientific system of detection. I do not think it would be well for me to do more than to suggest that Senators review the testimony within the confines of the committee room. Many of the Senators' doubts will be set at rest.

Mr. COOPER. Not doubts.

Mr. HUMPHREY. Concerns.

Mr. COOPER. I am raising these questions because I think they should be raised. I believe Dr. Brown said it would be possible, for a time, at least until we had developed a satellite system, for the Soviet Union to conduct tests in outer space without discovery.

Mr. HUMPHREY. To the scientific mind all such things are possible. The problem is, How do we pay for them? That is a bit of a problem, even in a rich country like the United States. I think this point was alluded to in some testimony of other witnesses. We now know, for example, theoretically, that space platforms can be established, but the costs are tremendous, and it is a question of the commitment of resources, both human and material, to such projects. Furthermore, we have made decided improvements in the detection of explosions in outer space. The explosions that are rather difficult to detect in outer space are those many millions of miles, hundreds of millions of miles, away from earth.

Mr. COOPER. The Senator knows the purpose of my question.

Mr. HUMPHREY. I know. I want the record to be clear on this point. The Senator is pointing out potential risks, in a helpful discussion. I agree that we ought to get these matters into the public record. We ought to understand exactly what this treaty would and would not do. We ought to understand that without the treaty all the risks are still present, even to a greater degree.

Mr. COOPER. I believe it was made clear that if the tests were conducted in outer space, there could not be a blast. Therefore the effects of a nuclear blast could not be studied, and it would be purely a question of interception. Dr. Brown pointed out that there are inhibitions against this risk. First, there is the definite possibility of detection, and a second is cost. A third is that a good deal of the information that might be obtained from such tests could be obtained from underground testing.

Mr. HUMPHREY. He emphasized that point. At page 541 of the hearings there appears Dr. Brown's testimony relating to his personal judgment on the extent of cheating that is possible and the funds and effort that have gone into the program of detection and monitoring of these situations. Later in his testimony Dr. Brown states:

But in the worst possible case—that is, assuming as much cheating as I can possibly believe would go undetected with any confidence—I do not believe that the Soviets could obtain any substantial military gain relative to the United States compared with

15760

CONGRESSIONAL RECORD — SENATE

September 10

the situation in which both sides test without restriction.

I do not believe that the Soviets can impair to an important degree our strategic superiority.

I believe that such gains would be small.

He then lists the reasons why he feels the gains would be small.

Finally he points out:

The limited effect of the treaty on our strategic superiority means that the benefits to our security in the broader sense, which Secretaries Rusk and McNamara have discussed in detail, will not be outweighed by the military-technological factors.

Mr. COOPER. Is it not correct to say that most of the scientists argued that even with the possibility of these risks, the greatest advance in nuclear weapons can be made in the penetrating weapons; that is, there are greater possibilities in offensive weapons than in the development of antiballistic missiles.

Mr. HUMPHREY. Yes; I believe all the scientific witnesses, except one or two, agreed to that point. We have the testimony of Dr. Bradbury, Dr. York, Dr. Kistiakowsky, Dr. Brown, and several others; and they all emphasized the advantages to be found in the offensive type of weapon and the improvement of the means of penetration.

Dr. Brown was questioned rather meticulously and specifically by the chairman of the committee with respect to the probable knowledge in the antiballistic missile area as it relates to the Soviet Union and the United States. The chairman asked Dr. Brown:

The CHAIRMAN. Dr. Brown, do you think that the Soviets are more advanced in the realm of knowledge relevant to antimissile systems than we are?

Dr. BROWN. I do not. I think that we are roughly comparable. If I were forced to say one side or the other is ahead on knowledge, I would say that we were, but I don't think that is a very firm statement on my part.

A better judgment, I think, is that we are about equal. I feel rather strongly that they are not substantially ahead of us, and I can adduce, I think, several reasons or examples of why I believe that is true.

The Soviets have said that they have intercepted a missile with a missile.

That testimony is found at pages 542 and 543 of the hearings.

This witness, whom I must accept as a highly qualified witness, gave us the impression that in the area of knowledge of antiballistic missiles, we were about equal with the Soviet Union.

At page 542, Dr. Brown said:

Having satisfied myself as completely as is humanly possible that the proposed treaty cannot substantially impair our strategic superiority if we take the steps which we can to continue our nuclear developments and remain prepared, and that indeed, it could enhance our strategic superiority compared with unlimited testing, I find the arguments for it on broader grounds persuasive, and I fully support its ratification.

Mr. COOPER. The Senator has emphasized something which needs to be emphasized, that all of the types of tests which we are concerned may take place surreptitiously could occur openly if the treaty is not ratified.

Mr. HUMPHREY. Yes. I believe the Senator will be reassured by one other

statement, at page 273 of the hearings. In the conclusions reached by the Joint Chiefs of Staff, there is this conclusion:

In the antiballistic missile field, development of the U.S. system does not depend on atmospheric testing and hence this treaty will not significantly influence any imbalance that may exist.

I point this out because the treaty relates to warheads and explosions, and does not relate to radar and computers and electronic devices, and so forth, all of which are part of an effective missile system.

The Joint Chiefs of Staff say:

In the antiballistic missile field, development of the U.S. system does not depend on atmospheric testing and hence this treaty will not significantly influence any imbalance that may exist.

The Joint Chiefs of Staff did not draw the conclusion as to an imbalance that may exist, but they said it was not necessary to have atmospheric tests, the need for which had been referred to by one or two other witnesses prior to that time.

I thank the distinguished Senator from Kentucky for his questions. I hope that the discussion between us is worthy of the attention of our colleagues in the Senate and of the people of the country. We are trying to have the record made clear, so that the people may know what the treaty means and what its impact should be on our foreign policy, upon our military policy, and upon our general national security policy.

Mr. COOPER. I have one further question to ask. Is there anything in the treaty which would prohibit the United States conducting antiballistic missile tests with missiles not armed with nuclear warheads; for example, to test their ability for interception?

Mr. HUMPHREY. There is nothing in the treaty which in any way limits, inhibits, or prohibits the testing of rockets or missiles so long as such missiles and rockets do not involve the explosion of a nuclear warhead. We could use conventional TNT, for example.

Mr. COOPER. Yes. I was thinking of an antiballistic missile without a nuclear warhead which could be used to achieve the interception of an enemy missile.

Mr. HUMPHREY. The Senator is correct.

Mr. COOPER. I thank the Senator.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Idaho.

Mr. CHURCH. I have been listening with great interest to the exchange between the Senator from Minnesota and Senator from Kentucky.

This exchange has prompted to mind the strong emphasis which has been given to the possible risk that might be encountered, in the event that tests were conducted millions of miles in space, or in some other improbable situation, which would provide questionable information to the tester, and which, in all likelihood, would be detected by mechanisms that we now have or can perfect. There has been so much straining at the gnat to find grounds for saying that there are risks involved in the treaty,

that we are in danger of losing sight of the risks that we would doubtlessly face without the treaty. Some of these are military risks.

Mr. HUMPHREY. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. HUMPHREY. The questions raised by the able Senator from Kentucky [Mr. COOPER] were not questions in the form of opposition, but were questions, as the Senator from Idaho well knows, related to getting information into the Record.

Mr. CHURCH. Yes. In that connection, the Senator from Kentucky has performed a real service. Would the distinguished Senator from Minnesota permit me to read into the Record an exchange I had with the chairman of the Joint Chiefs of Staff, General Taylor, on the question of military risks that would definitely face us, if we were to continue unrestricted testing in the absence of this treaty with the Soviet Union?

Mr. HUMPHREY. Yes.

Mr. CHURCH. My exchange with General Taylor, when he appeared before the committee, begins at page 309 and continues to the bottom of page 310 of the printed record of hearings:

NO GUARANTEE UNITED STATES BE ALWAYS
FIRST IF TESTING CONTINUED

Senator CHURCH. Let us assume that there were no treaty and that unrestricted nuclear weapons testing continued on both sides. If such testing were to continue, is there any guarantee that you know of that would assure us that we, our side, would always be first in achieving new technological breakthroughs?

General TAYLOR. No, there is no such assurance that I know of.

Senator CHURCH. In fact, the Russians have shown considerable competence in this field, have they not?

General TAYLOR. Yes. I think that either side, in concentrating on a single sector and putting great resources behind it, could probably forge ahead.

Senator CHURCH. Then one danger which has military significance in continuing the testing would be the possibility that it would be the Russians rather than ourselves, who might achieve some important new breakthrough in this technology?

General TAYLOR. If we did not test. That was our great objection to the comprehensive test ban treaty. We felt the Soviets could test clandestinely underground and we could not, and hence, there would be a serious difficulty.

Senator CHURCH. Yes. But even if we were both to test, as I understand your answer to my previous question, there is no guarantee—

General TAYLOR. No positive guarantee.

Senator CHURCH. That the Russians might not be the first to achieve some significant breakthrough.

General TAYLOR. Of course, I have personal confidence in our great scientific community, and am confident that we would make many or most of the breakthroughs, but I could not guarantee it.

Senator CHURCH. I do, too. Even our scientists would admit that there is no guarantee against this possibility. This would be one of the dangers we would have to face up to if we continued to test on both sides; is that not a fair statement?

General TAYLOR. Yes, sir.

Senator CHURCH. Now, supposing that if both sides were to continue to test, it was the United States, as we would hope, that

1963

CONGRESSIONAL RECORD — SENATE

15761

first achieved some important new technological advantage over the Soviet Union. Do you think it would be consistent with American policy or the mission of our Armed Forces, as you have stated that mission here today, to seize upon this advantage for the purpose of initiating some nuclear attack upon the Soviet Union?

General TAYLOR. I can only point to the past when we had a complete monopoly in these weapons. We never contemplated such an attack then.

Senator CHURCH. That is right. When we had total advantage we did not contemplate nor initiate such an attack.

General TAYLOR. That is right, sir.

Senator CHURCH. All right.

Suppose the reverse. You have already indicated that it is a possibility that the Russians might make the first breakthrough, which would give them some new and important technological advantage over the United States. Assuming that, would you be confident that the Russians might not use this new-found advantage to imperil the security of this country or, perhaps, even to initiate an attack upon this country?

General TAYLOR. I would say "no"; if it is possible to conceive of such a clear advantage that they could attack us without the certainty of a reprisal that would be completely destructive to them. Frankly, I cannot visualize that situation but obviously, one never visualizes all the possibilities of the future.

Senator CHURCH. But it is a possibility.

General TAYLOR. As a conception, it could exist.

Senator CHURCH. And even if they were never to achieve through a new breakthrough so great or so preponderant an advantage, nevertheless, any substantial advance would be cause for concern with respect to our national security, would it not?

General TAYLOR. Yes, sir; if made by the Soviets.

Senator CHURCH. Then, I see, General, that there are very definite military advantages for us which I think this exchange has spelled out, to limiting this testing at the present point, while our general position is a favorable one, and I want to thank you for your testimony.

General TAYLOR. Thank you.

I think this exchange clearly demonstrates that there are no guarantees, should unrestricted testing continue, that the United States would always be first in achieving some new breakthrough that might give an advantage in the precarious balance of terror which is the nuclear arms race. It also demonstrates that one of the greatest risks of continuing such tests, in the absence of a treaty, would be that the Russian scientists, instead of our own scientists might pull ahead. After all, the Russians have demonstrated great competence in the field of nuclear research, in the field of nuclear warheads, in the field of space. Who can deny it? Therefore, I say that even from the military standpoint, a very strong argument can be made to the effect that the greater risk lies in rejecting the treaty, than in confining future testing to underground areas, where everyone concedes that the United States has had the most experience, is the most proficient, and is most likely, therefore, to keep ahead. The alternative is to expose us, it seems to me, to the very definite possibility of the kind of breakthrough that could one day give the Russians enormous leverage on the United States.

Since all the testimony before the committee indicated that our general nu-

clear position with respect to warheads, weapons systems, and technological knowledge, is favorable, vis-a-vis the Soviet Union, the time to impose such a restriction upon testing is now. It seems to me that no better time is likely to come along.

Mr. HUMPHREY. To my mind, the Senator's questioning of General Taylor was one of the most impressive cross-examinations I have witnessed in any committee. It brought forth information of great value to the committee. The Senator has read that cross-examination into the record. I am confident it did much to give a proper perspective to what we are discussing.

We repeatedly emphasize the risks involved in the treaty. There has been underemphasis of the risk in case there is no treaty. Several scientific witnesses testified to that effect, as well. The Senator from Idaho may again recall the testimony of Dr. York. I just noted in the record of the hearing some of that testimony on page 761. It fits in with what the cross-examination of General Taylor by the Senator from Idaho revealed. The testimony of Dr. York relates to the military power of the United States and the security of the United States.

Dr. York said:

Ever since shortly after World War II, the military power of the United States has been steadily increasing; over the same period the national security of the United States has been rapidly and inexorably diminishing.

In the early 1950's the Soviet Union, on the basis of its own sole unilateral decision, and if it had been willing to accept the inevitable retaliation, could have launched an attack against the United States with bombers carrying atomic or fission bombs.

Some of these bombers would have penetrated our defenses and the number of American casualties would have been some millions.

In the later 1950's, again on its own sole decision, and again if it had been willing to accept the inevitable massive retaliation, the Soviet Union could have launched an attack against the United States using more and better bombers, this time carrying hydrogen bombs.

Some of these bombers would have penetrated our defenses and the number of American casualties could have been in the tens of millions.

By the mid-1960's, the Soviet Union, again solely on the basis of its own decision, and again, if it were willing to accept the inevitable retaliation, could launch an attack upon the United States using intercontinental missiles and bombers carrying thermonuclear weapons.

This time, the number of American casualties which would result from such an attack could be in the neighborhood of, perhaps, 100 million.

This steady decrease in national security was not the result of any inaction on our part, but simply the result of the systematic exploitation of the products of modern science and technology by the Soviet Union.

The air defenses we deployed during the 1950's would have reduced the number of casualties which we would have otherwise sustained, but their existence did not substantially modify this picture.

Also, nothing else that we could have done in the defense area, but which for one reason or another we may not have done, would have significantly altered this picture further.

I should add at this point that from the

Soviet point of view the picture is similar, but much worse. The military power of the Soviet Union has, since it became an atomic power in 1949, been steadily increasing, but Soviet national security has been steadily decreasing.

Hypothetically, the United States could unilaterally decide to destroy the Soviet Union and the Soviet Union would be absolutely powerless to prevent it; it could only, at best, seek to wreak revenge through whatever retaliatory capability it might have left.

It is my view that the problem posed to both sides by his dilemma of steadily increasing military power and steadily decreasing national security has no technical solution. If we continue to look for solutions in the area of science and technology only, the result will be a steady and inexorable worsening of this situation.

Mr. President, Dr. York was saying that we did not spare on money. We poured hundreds and hundreds of billions of dollars into our defense structure. We armed nations around the world. We have spent over \$100 billion in foreign aid, most of it for military assistance. We have formed alliances. We have built the mightiest military machine the world has ever known. Today we have so much destructive power at our command that we could literally obliterate this earth.

But all that does not give us any security. Instead, we worry about whether the Soviets will get ahead of us. Today, we are more insecure that we were 10 years ago. So is the Soviet Union. We are spending money, at the rate of \$14 million a minute, for arms throughout the world. This year we shall spend \$135 billion for armaments throughout the world. Yet no one is more secure. We have given or spent several billion dollars in South Vietnam; yet that country is today no more secure. All over the world we find the same situation.

Dr. York was saying that something more than science and technology are required, in order to solve the problems of the world and to assure peace and security.

I read now from page 768 of the hearings:

Senator SPARKMAN. You said the national security was diminishing while power, military power, was increasing. Do I understand correctly you mean that on both sides?

Dr. YORK. Oh, yes.

Senator SPARKMAN. Applicable to the U.S.S.R. as well as to the United States?

Dr. YORK. Yes. It is worse in their case.

Senator SPARKMAN. Would you elaborate on that?

Dr. YORK. Yes. What I meant by that, and perhaps I have taken a somewhat special definition of national security, what I meant by that is what one side could do to another of its own sole volition and despite anything which the other side did; and, as I said, as time has gone on, the capability of the U.S.S.R. to unilaterally inflict damage on the United States, despite anything we might do, has steadily increased.

Senator SPARKMAN. And vice versa?

Dr. YORK. Similarly, the capability of the United States to inflict damage on the Soviet Union, despite anything the Soviet Union could do, has increased, and it has been worse from their point of view than ours; that is, what we could do to them has always been more severe than what they could do to us. We have always been way ahead of them in this matter.

Senator SPARKMAN. Would a partial test ban treaty such as is proposed before us have

15762

CONGRESSIONAL RECORD — SENATE

September 10

an adverse effect on us or would it have any effect on them?

Dr. York. It would, all by itself, at most, slightly diminish the rate at which our national security is diminishing.

Mr. President, we should study that statement by one of the world's foremost scientists.

Mr. PROXMIRE. Mr. President, would the Senator from Minnesota yield?

Mr. HUMPHREY. I am glad to yield.

Mr. PROXMIRE. I believe the Senator has reached the crux of the situation, and I am very glad he stresses that point. I believe that too many try to "oversell" what the treaty will do. What Dr. York said—and he was right about it—is that the treaty would, at most, "slightly diminish the rate—at which our national security is diminishing."

In other words, we still will tend to lose our national security, as will the U.S.S.R., also. In short, this treaty is not the end of the arms race.

Mr. HUMPHREY. Indeed it is not.

Mr. PROXMIRE. It slightly diminishes it; it slows it down. But it does not end it. So I believe that what the Senator is stressing is most important. Dr. York said the treaty will diminish the rate at which our national security is diminishing. It will not remove the need for further steps.

Mr. HUMPHREY. Will the Senator from Wisconsin please read Dr. York's testimony on that point?

Mr. PROXMIRE. Yes. He said:

If it leads to other steps in the same or similar directions, other steps in arms control and disarmament it might actually reverse this present trend. I mean, I think it would reverse it if we went far enough.

Mr. HUMPHREY. I believe Dr. York has given us one of the most thoughtful presentations—in terms of what is really happening to national security—that was given by any witness who came before us.

Mr. PROXMIRE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I am glad to yield.

Mr. PROXMIRE. One point is bothering me a great deal, and I hope the Senator can help me on it. Dr. John S. Foster, who, I understand, is director of the Lawrence Radiation Laboratory, at Livermore, Calif., and is considered to be one of the top men in this field, testified about what the treaty will do to our scientific capabilities, in terms of continuing to develop our skills in this area; and he testified against the treaty. I shall read brief excerpts from pages 614 and 615:

In science just as in other specialties, one must practice continually to be effective. Ultimately the present generation of weapons technologists must be replaced by younger scientists who, through experiments and theoretical studies, will also develop the required skills. With a not too restrictive underground program I believe we can maintain our capability in warhead design.

Without atmospheric tests, however, I doubt that we can develop and maintain the requisite skill in the important area of the effects of nuclear weapons.

Even our theoretical effort in this area is likely to deteriorate without the incentive of meaningful experiments.

Missile systems for offense or defense are extremely complex, yet must function not

only under the ideal laboratory conditions in which they are usually tested, but also under the most adverse conditions—those of nuclear war.

I know of simpler systems which have not performed as expected—or which have actually failed—when proof-tested in environments which are far better understood than that of a hostile nuclear situation.

On page 616 he concludes:

To put it simply, the burden on the technical community is to provide the technology needed to maintain the military security of the United States in the face of both the secrecy of the Soviet Union and the explosive growth of scientific knowledge.

That is what makes the situation so difficult.

Were it not for Soviet secrecy, we could—through continual assessment of their capability—determine what level of arms would be necessary to preserve our security.

Now I am skipping. Continuing—

Moreover, we have to reckon with the fact that in an expanding technology vigorously pursued, there frequently result abrupt increase in scientific knowledge—rapidly reflected in military capability—which could upset the balance of power.

While we cannot guarantee even without restrictions that these abrupt increases will occur on our side, it seems clear that we must provide a scientific climate which will not discourage such developments.

The proposed treaty would limit not only our knowledge of the actual state of Soviet military development, but would also restrict our knowledge of what may even be technically possible. Specifically, this requires that the United States explore vigorously all areas of technology critical to our security. Failure to do this would add to the uncertainties concerning our relative strength, and force us to choose between either an increase in risk to our security or a further increase in our level of armament.

Thus, from purely technical-military considerations, the proposed treaty appears to me disadvantageous.

That statement came from Dr. Foster, who is the head of the Livermore Laboratory. Perhaps the man most responsible in this Nation for giving us the superior of nuclear research that will protect our national security. He did not stress so much in his testimony though it seems to me to be very important—that we rely in our free system not only on monetary incentives but, more important, prestige, and even more important than that, opportunities for scientists to test and develop their skills and to make all kinds of breakthroughs in their areas without limitations on knowledge. On the other hand, the Soviet Union can command its scientific manpower, directing it and channeling it, because it is an authoritarian society. It seems to me that possibly in this area we have a very serious problem.

Dr. Foster has opposed the treaty. I understand that he operates for the agency that controls Plowshare as well as some vital military experiments. It seems to me that when we couple that with the fact that the Soviet Union has an advantage in directing and controlling their scientific manpower, the treaty might have some disadvantage for us. What is the Senator's answer?

Mr. HUMPHREY. Dr. Seaborg responded to that question in relation to that very concern. Dr. Seaborg dis-

cussed it in his testimony. It was also discussed by Dr. Kistiakowsky. Dr. Kistiakowsky pointed out that during the moratorium period, which lasted a little over 2 years, there was no letdown in our scientific efforts. The team of scientists was maintained. Our laboratory facilities were increased. The number of scientists was expanded.

Dr. Seaborg also pointed out to us that it is the express contention that responsible officials of our Government, if the Congress will lend its cooperation and maintain laboratories, expand, develop and modernize facilities, will engage in underground testing to the degree that is needed—all of which will give scientific minds the opportunity for a good deal of experimentation. But I also add that the treaty is limited to nuclear explosions in the three environments listed—outer-space, underwater, and in the atmosphere. It does not apply to underground testing. It does not apply to laboratory experimentation. We shall be able to test missiles. We shall be able to test as to the effect of weapons, and to test certain sized weapons underground.

The judgment has been properly made that while the treaty imposes some limitations upon scientific inquiry in terms of analysis of weapons effect and analysis of explosions in the atmosphere, in outer space, and underwater, those are offset by the gains which are obtained in attempting to find some solution to our international problems—slowing down the arms race, inhibiting or slowing down the proliferation of weapons, slowing down, inhibiting, or preventing fallout of radioactive debris. All those concerns must be added up.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DIRKSEN. With some modesty, I should like to inject into the Record the announcement that tomorrow, after our policy meeting, which will be roughly at 2 o'clock, I hope to obtain the floor and make some remarks on the treaty. At that time I expect to disclose the contents of a letter from the President of the United States with respect to certain misgivings and concerns that were entertained by some Senators.

Mr. HUMPHREY. I thank the minority leader for that announcement. We are looking forward to the letter from the President. I know that the minority leader and the majority leader have made a real contribution to the proper discussion of the treaty by their visit with the President and obtaining that statement from the President himself.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. My good friend the Senator from Minnesota went to Russia in relation to the treaty. On television I saw his report with Martin Agronsky about his connection with the treaty. I should like to ask the Senator a question about his trip to Gorky Park and his discussion of the problem with the Russians: Was that female blonde interpreter a Russian or an American?

1963

CONGRESSIONAL RECORD — SENATE

15763

Mr. HUMPHREY. She is the wife of an American political officer at the American Embassy.

Mr. LONG of Louisiana. She is an American?

Mr. HUMPHREY. She certainly is; and is very proud to be.

Mr. LONG of Louisiana. I am happy to hear that. My general impression is that the Senator obtained more publicity out of his connection with Mr. Khrushchev than anyone else in the American Government. Can my friend state anyone in American history who has ever had more publicity in Life, Time magazine, and, in general, from his connections with the Russians and Mr. Khrushchev in particular, than the Senator from Minnesota?

Mr. HUMPHREY. I have never tried to keep an accurate record of press clippings. But I have one unique distinction. The Premier of the Soviet Union, at one of the Communist Party conclaves a couple of years ago, took time out to denounce me as a vicious anti-Communist. He added a few other little adjectives.

I have always felt that if one travels and has an opportunity to visit with the people, and particularly the leaders as well as the citizenry of the countries, it can be of some advantage to the cause of freedom. The advantages in a rather closed society, such as the Soviet Union, are rather limited. I did have a wonderful experience in Gorky Park. Mrs. Humphrey and I journeyed there. We visited with a number of Soviet citizens and I tried to tell them the truth about America. I found considerable interest in the subject of the nuclear test ban treaty. I can honestly say that I found no hostility toward the United States.

The Senator may recall that in my report to the Senate I said that one of the things I found in the Soviet Union was the growth of a new force called the consumer. I believe I was one of the first to report that in this country. Now, I am happy to say, the newspapers are carrying headline stories such as "Lack of Quality in Goods Cited by Red Press."

I am not a newspaper reporter, nor a columnist, but I can ask questions. I did ask questions. I visited with the people. I looked at the stores. I found that the people were discontented about the quality and quantity of goods available. The pressures of consumer demand have been cited by many experts as contributing to Mr. Khrushchev's interest in the test ban. I feel that these visits have been worthwhile. I would not wish to overestimate their value. One surely cannot learn too much in a short period of time, but one will not learn anything unless he tries.

Mr. LONG of Louisiana. I say to the Senator, those people like you; they don't like me.

Frankly, if they like the Senator, I suggest that the Senator should be careful. If they like him, they may think they can captivate him or get close to him.

A man from the Russian Embassy came to see me last week. What he had to say was parallel to what the Senator has been saying. My reaction to this is,

we cannot trust those men. I do not care how much we would like to think—and the whole world like to believe—that they are no longer bent on murder and capturing the world; the point is, when we look at them, we must keep in mind that we are not looking at Red Ridinghood's grandmother, but we are looking at the wolf that ate Red Ridinghood's grandmother.

We must be careful. Those characters have only one thing in mind, and that is to control the whole world. They have only one question in their quarrel with the Chinese Communists, and that is, "Which way can we better eat them up?"

Frankly, that is the whole dispute. The Russians have to prove to the Chinese Communists that they can destroy us better by this method than by the Chinese method. The Chinese says, "We must lose the life of the world to do it." The Russians say, "Oh, no; we can do this in a better way." The only way they can justify this position, under the Communist doctrine, is to prove that they can destroy the United States quicker and faster by their method.

I should like to ask my good friend a question about how they are to prove this. Why should we permit them to face their Communist allies and say that this is the best way to destroy free government? How can these people prove to their Communist allies that they will destroy free government better in this way, by ratifying the treaty?

Mr. HUMPHREY. If the Senator will remain in the Chamber, I will answer his question. Basically, I do not disagree with him. I do not think the Soviets have signed the treaty because they suddenly saw the light of peace, love, and kindness. I do not believe this means they have given up their effort to have the Communists dominate the world or to bury us. They may have a different shovel in mind.

I do not think they have made up their minds that they should ease off the contest; but, if they get the United States of America into an arms race only, forgetting the other aspects of life—the economic, cultural, educational, and other aspects—they may very well bury us.

Mr. LONG of Louisiana. That is the point.

Mr. HUMPHREY. We must prepare ourselves on all fronts, instead of going around playing "cops and robbers." There may be something else in the world. But we must not be lulled into a false sense of security.

If the Senator will permit, I should like to proceed with my statement. I have been yielding to Senators all afternoon. I would like to complete my presentation.

Mr. LONG of Louisiana. Will my friend permit me to ask one more question?

Mr. HUMPHREY. Yes, indeed.

Mr. LONG of Louisiana. Those fellows have given the Senator from Minnesota a billion dollars' worth of publicity. They have given the Senator more than anybody else on earth has received.

Mr. HUMPHREY. The Senator is speaking of Time, Life, and Fortune, I hope.

Mr. LONG of Louisiana. I do not admit that those people own all the intelligence in America.

I ask my friend, Is it not true that the Russians want the treaty? They have nothing to lose and everything to gain by the United States ratifying the treaty.

Mr. HUMPHREY. If the Senator will permit me, I will answer that question. I think I have an answer to it. We both have something to gain, I believe, and both countries in this instance have something to lose if the treaty is not ratified.

Mr. President, I should like to make some comments with reference to the risk of secret preparations and surprise abrogation of the nuclear test ban treaty by the Soviet Union.

Mr. SPARKMAN. Mr. President, will the Senator yield before he gets too far away from the question about which the Senator from Wisconsin was inquiring a while ago?

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. I refer to the maintenance of a state of readiness of our laboratories. The Senator from Minnesota correctly quoted Dr. Kistiakowsky as saying that during the moratorium our laboratories actually were expanded, in terms of numbers of scientists. I invite attention to the exact wording, because I think it is quite relevant. Dr. Kistiakowsky said that the laboratories increased both in quantity and in quality. In other words, there was not only an expansion of physical facilities, but also an increase in the quality of personnel and the type of work being done by them.

Mr. HUMPHREY. Exactly.

Mr. SPARKMAN. The Senator will remember that Dr. Kistiakowsky gave a figure with reference to testing prior to the explosion of the first bomb at Alamogordo. He said there were more than 10,000 laboratory tests and projects.

Mr. HUMPHREY. That is correct.

Mr. SPARKMAN. He used that as an example of the importance of the laboratory, even apart from the testing. For the benefit of the Senator from Wisconsin, if he would like to read that portion of Dr. Kistiakowsky testimony, he will find it on pages 866 and 867 of the hearings.

Mr. HUMPHREY. Mr. President, there has been considerable discussion of the matter of the risk of secret preparations and surprise abrogation of the nuclear test ban treaty by the Soviet Union. There are some who are deeply concerned about it.

The risk of secret preparations for tests in the atmosphere and surprise abrogation of the nuclear test ban by the Soviet Union is one of the risks which we will assume when we enter into the treaty. I believe that the Soviet Union has entered into this treaty with the present intention of adhering to it. The treaty presently rests upon a mutuality of interests between ourselves and the Soviet Union in the avoidance of thermo-nuclear war, in the prevention of the

15764

spread of nuclear weapons and in the reduction of radioactive fallout. Although a common interest does exist in these areas at present, a time may come in the future when the Soviet leadership may conclude that the treaty is no longer in their interests. We must be prepared for that eventuality.

In that event, there would be several courses of action the Soviets might pursue. We must be prepared for all of them. The Soviets could prepare in secret for an extensive series of tests in the atmosphere and then suddenly abrogate the treaty. Or they could attempt a program of clandestine tests in the atmosphere or in space. A third course would be for them to secretly prepare for a large-scale series of atmospheric tests while at the same time conducting very small clandestine tests with limited objectives in the atmosphere which they might feel had a good chance of escaping detection.

On balance, I think it is more likely that, if the Soviets decided that continued observance of the treaty was no longer in their interests they would secretly prepare and then openly abrogate the treaty on some pretext rather than make a concentrated effort to cheat. The risk of getting caught would not be worthwhile running in these circumstances. Moreover, prior Soviet conduct in bringing the 1958 to 1961 moratorium to an end would indicate such a course of action was probable.

The risks to our security from a sudden abrogation of the treaty by the Soviets are derived primarily from the leadtime the Soviets would gain over our own testing. The magnitude of this risk has been carefully weighed by the responsible officials of the Government. During the course of the hearings on the treaty before the Foreign Relations Committee, we heard extensive testimony by these officials concerning both the magnitude of the risks involved and the steps that would be taken to reduce them.

We have discussed this aspect this afternoon, and the Record of today is filled with quotations from the witnesses on this subject.

The President has assured the Nation that we will ourselves maintain a high state of readiness to resume testing in the atmosphere. In his television address on July 26, he announced:

Secret preparations for a sudden withdrawal are possible, and, thus, our own vigilance and strength must be maintained, as we remain ready to withdraw and to resume all forms of testing, if we must.

In his message transmitting the treaty to the Senate the President stated:

We will be ready to resume testing in the atmosphere if necessary.

Those testifying before the Foreign Relations Committee, the Secretary of Defense, the Joint Chiefs of Staff, and the Chairman of the Atomic Energy Commission, all indicated our determination to maintain a readiness to resume testing in the atmosphere. Secretary McNamara stated to the Committee on August 13:

We have the determination to retain a readiness to test in every relevant environment. This is a firm national policy. Its

existence will not only render the risk of abrogation minimal, but will also constitute a strong deterrent to abrogation.

I think it is important to emphasize both these aspects of the problem. Our own readiness to resume testing will in the first place act as a deterrent to sudden abrogation by the Soviets since there would be little to be gained by them. Second, this will minimize the risk to our security in the event the deterrent failed.

Based on this firm national policy of maintaining our own readiness to resume testing in the atmosphere, the Secretary of Defense has indicated that we should be able to conduct proof tests within 2 months from the decision to test, development tests within 3 months, and effects tests within 6 months. Therefore, we may safely conclude that the leadtime which the Soviets would gain by a sudden abrogation of the treaty would not in any way jeopardize our national security.

In spite of repeated and detailed assurances by the responsible administration officials and notwithstanding the unanimous conclusion of these same officials, concurred in by the Foreign Relations Committee, that the possible risks from secret preparations and sudden resumption of atmospheric tests by the Soviets were no reason for rejection of the treaty, we still hear of fears expressed on this subject. Perhaps these fears are prompted by our previous painful experience with the 1958-61 testing moratorium. However, the Soviet action in ending the moratorium at that time did not jeopardize our security. The Soviets resumed testing in the atmosphere on September 1, 1961. We resumed testing ourselves underground on September 15, 1961—a matter of only 2 weeks after the Soviets resumed testing. Then, after evaluating the results of the Soviet atmospheric series conducted in the fall of 1961 we carried out our own very successful series of atmospheric tests commencing April 5, 1962.

However, it is time for any fears, real or imagined, about what we can and will do to keep our guard up, to be finally laid to rest. The situation that existed at the end of the moratorium and as it will exist under the treaty are not the same. In the first place, under the treaty we will have a continued program of underground testing. It will be much easier for us to keep the weapons laboratories ready to resume testing in the atmosphere when they are still able to conduct tests underground than when no tests at all were permitted. Moreover, the administration has stated that the continuing laboratory programs will include development of those devices which may at some time require atmospheric testing. The laboratories will be encouraged to carry their ideas and studies to the point where final construction of the device to be tested can be achieved in a time comparable to the time necessary to implement an actual atmospheric test should such tests be authorized. Second, maintenance of a condition of readiness to resume atmospheric testing will, under the treaty, be a declared and open national policy. This was not

the case during the moratorium. With such a policy in effect it will be much easier to take the steps necessary to maintain a high state of readiness.

The Deputy Secretary of Defense, Mr. Gilpatric, in a letter dated August 23 to the chairman of the Armed Services Committee, stated that these steps will include improvement of test support facilities, the provision for an airborne nuclear test capability, provision for a high altitude nuclear effects test capability, and the maintenance intact of the AEC and Defense Department test organizations.

I am aware that President Kennedy on a previous occasion indicated that an atmospheric test ban would be vulnerable unless it included provision for inspection to guard against secret preparations for a surprise abrogation. Moreover, the President emphasized at that time the difficulties of keeping topflight scientists concentrating on the preparation of experiments which may or may not take place at an uncertain date in the future.

These remarks were made early in 1962, shortly after the Soviet had completed an extensive series of atmospheric tests. They were in reply to critics who were opposing the resumption of atmospheric tests by the United States. They were also an attempt to forestall a possible Soviet proposal for a moratorium on atmospheric tests just before we resumed such tests ourselves.

I remember speaking in the Senate on that very subject, warning that once the Soviets had completed their tests, they would try to appeal to world public opinion and to the United Nations, saying, "Let us have no further tests," and try to foreclose us, by public opinion, from conducting tests. There were voices raised in the United States against testing. I was one of those who urged that testing be started, despite the Soviet trick of appealing to the world, or to the United Nations, or other instrumentalities, against our resumption of tests.

One of the reasons why the President made the statement he did was to alert the American people as to the importance of our resumption of tests.

The situation is far different now than it was in 1962:

We have completed a successful atmospheric series. We do not, therefore, have the same need to conduct such tests as we did in 1962.

We have shown that we will not let world opinion stand in our way if atmospheric tests are essential to our security. If we had not done so in 1962, there would have been real reason to doubt whether laboratory morale could be maintained under test ban.

Furthermore, Dr. Kistiakowsky testified that laboratory morale was good. As the Senator from Alabama pointed out, not only was laboratory morale good, but laboratory facilities increased, the number of scientists increased, and the quality of experimentation improved. This was the testimony, under oath, of the highest science adviser in this government under the previous administration.

1963

CONGRESSIONAL RECORD — SENATE

15765

Our Government has made a thorough study of the problems of maintaining laboratory readiness and of inspecting laboratories for test preparations. The President has now concluded that laboratory readiness is quite realistic, but laboratory inspection is not—at least, not on terms which either we or the Soviets could accept.

The President has established a firm national policy of readiness to resume atmospheric tests in the event the treaty ends. It is up to us in the Congress to support that policy with funds, as the Senator from Rhode Island [Mr. Pastore] said earlier today.

THE REFUSAL TO EXAMINE BASIC ISSUES

If the treaty provided no more than a reasonable assurance that its ratification did not entail unacceptable military risks, it would hardly be worth the time and effort we have devoted in its behalf or the years of planning and negotiation that preceded its signing on August 5, 1963. This, however, is clearly not the case. The treaty does contain other features which are in our national interest; and it is precisely these features, in my opinion, which provide the basic reasons for advocating its ratification.

It is my deep hope that in this Senate debate we can examine these other features with care and discernment. For good and sufficient reasons the burden of the hearings dealt with military and scientific considerations. On the basis of the evidence compiled in these hearings, every Senator should be able to reach a determination about the relationship of this treaty and the military security of this country. Since none of us in this body are scientists, or directly involved with the military defense of the United States, I am doubtful whether we can make any significant addition to what has already been compiled. We can, however, make a number of definite contributions in considering the non-military, that is, the foreign policy, the diplomatic, the political reasons for supporting the treaty.

Of course, the distinction between military and political issues is not absolute. In fact, the two are interrelated. It is a well-established axiom of international relations, particularly in the era of nuclear warfare, that military decisions concerning weapons systems have definite political overtones. That is, the capability of a particular weapons system, or the impact of a strategy of warfare, are important factors in determining a country's foreign policy. Used in this context there is a blending of military and political factors.

I have always been impressed by the statement of the famous French leader Clemenceau that "War is too important to be left to generals." I believe that is a relevant statement.

In the context of this treaty, however, the distinction can be somewhat sharper. When we speak of political considerations here, we refer to those considerations relating to United States-Soviet relations in their totality; we refer to the basic tides in international relations which determine the postures of alliances and the relationships among nations.

Mr. President, the Senate, and this Nation seldom have had such an opportunity to examine the fundamental issues relating to future United States-Soviet relations and the outlook for the cold war. Indeed, these are the issues which relate to the very future existence of our country and our democratic system. These decisions will, perhaps, even determine the fate of mankind itself.

Yet how we avoid them. How can we steadfastly refuse a frank, open and constructive debate on the factors of survival in the nuclear age?

I read in my mail such enlightening remarks as:

Under our Constitution, the U.S. Senate can refuse ratification of the slick deal with Moscow * * * because this is a deal engineered by a Washington innercircle of the pseudosophisticated, pseudointellectuals who deride our Constitution as outdated.

On I read:

If the treaty is ratified, there will be no consequences perceptible to the public. But there will be a violent rash of propaganda about the break in the cold war and the wisdom and hopefulness of further agreements to eliminate the danger and crushing burden of the armaments race. Step by step, Communist overlords will negotiate us into a state of total helplessness and then force us into total surrender.

Those are two quotations from many letters, some of which I brought with me to the Chamber today. These letters are highly emotional and irrational. My office has been flooded with cards, mimeographed on one side, identifying most of the Members of Congress as Communists or Communist sympathizers, dupes, dopes, renegades, and a few other things.

I hear such phrases as, "To ratify the treaty would mean collaboration with godless communism," or, "appeasement has escalated so rapidly that we have crawled on our knees to Moscow to obtain this Moscow nuclear test ban treaty."

As the Senator from Rhode Island said this afternoon, this treaty was not written in Moscow. It was signed there, but it was written in Washington, D.C. This is an American treaty, advanced by two American Presidents, negotiated by American representatives. We have no reason to be ashamed of it. We have reason to be proud of the fact that this Nation, which has always been dedicated to a just and honorable world and a just and honorable peace, continues to pursue that objective. It is to the eternal credit of the leaders of our country that they have kept uppermost in their feeling and attitude and policy the pursuit of a just and enduring peace, without sacrificing our security or sacrificing democratic principles.

In light of such statements of the radical right wing, need one inquire, "Why such outspoken advocacy of this treaty?"

How long will we permit ourselves to fall into the fatal trap of debating such critical issues as national survival in the nuclear age merely on the basis of slogans, prejudices, and ill-informed and irrational notions of reality? For decades the Communists themselves

have repeatedly fallen victim to their own penchant for viewing Western democracies through the twisted perspectives of Marxist dogma and slogans. They have repeatedly refused to see us as we really are. Are we willing to say that a proud and free people can do no better than ape the Communists by adopting similar tactics?

As long as I am permitted to stand on this floor and represent, in part, the State of Minnesota the answer will be, "No, never."

There are, of course, opponents of this treaty who are in no way associated with the fright peddlers, fear mongers, and professional anti-Communists who haunt this land.

Some honest doubts have been expressed, and they are in an entirely different category, and are not to be associated with the irresponsible emotionalism with which many of us are being flooded. Such doubts and opinions are the basis for what I hope will be a full and frank debate on the political merits of this treaty.

THE RELATIONSHIP BETWEEN MILITARY POWER AND NATIONAL SECURITY

Why does this Senator place such importance on the political considerations of this treaty? Numerous witnesses before the Foreign Relations Committee—many of them who had come to testify on military considerations—emphasized that military power by itself was not sufficient to insure the security of the United States. Let me quote from the compelling testimony of the Secretary of State, the Honorable Dean Rusk:

For 18 years we have held the Communist drive in check largely by the deterrent force of our massive military strength. We shall maintain that overwhelming strength until we are certain that freedom can be assured by other means. But throughout we have known that a lasting peace could not be founded upon armed might alone. It can be secured only by durable international institutions, and by a respect for law and its procedures * * *. The most important thing about the treaty is, therefore, what it may symbolize and what new paths it may open. That, no one can now foretell * * *. But if the promise of this treaty can be realized, if we can take even this one small step along a new course, then frail and fearful mankind may find another step and another until confidence replaces terror and hope takes over from despair.

I believe those are powerful and wise words on the part of a dedicated public servant, the Secretary of State.

Dr. Kistlakowsky also testified eloquently on this point:

I do not believe that we or any nation can find any real security in the continuing arms race. It is now evident that the United States and the Soviet Union each have the capability to deliver an utterly devastating attack on each other. To talk of winning such a conflict is to misuse the language; only a pyrrhic victory could be achieved in a nuclear war.

I have already quoted certain relevant passages from Dr. York's testimony. Beginning on page 761 of the Foreign Relations Committee hearings, Dr. York documents year-by-year the increase of U.S. military power and the concurrent decline in national security. He closes this analysis with these thoughtful words:

It is my view that the problem posed to both sides by this dilemma of steadily increasing military power and steadily decreasing national security has no technical solution. If we continue to look for solutions in the area of science and technology only, the result will be a steady and inexorable worsening of this situation.

These words are particularly impressive since they were spoken by a man who has devoted his life and career in the pursuit of science, and who has been responsible for the development of much of this Nation's military power.

We are indebted to scientists for their recognition of the fact that the answer to our problems today is not to be found in the test tube or laboratory, but, instead, in the minds and hearts of men and in their capacity to learn to live together.

The dilemma we face is simply this: from the point after World War II when the United States held an absolute nuclear monopoly, this Nation's military power has continued to increase. Yet the overall security of the United States is obviously far less today than it was in 1946. For while our military power has surged ahead, the Soviet Union's nuclear capacity has done likewise.

Our Nation has never been stronger militarily; yet we have never been in graver danger. The identical situation prevails in the Soviet Union. A single command, in either country, could result in the utter destruction of both nations and many others.

The argument has been advanced in Congress, particularly by the distinguished Senator from Washington [Mr. Jackson], that wars have usually occurred when a nation has become weak, when its defenses have been permitted to deteriorate. I believe this is absolutely correct. We must maintain whatever strength our civilian and military leaders believe is essential to defend the vital interests of the United States. No one supporting this treaty had ever suggested otherwise. However, when we have achieved this level of military preparedness, we must then not shrink from exploring those nonmilitary questions which may disclose ways to increase the national security—as opposed to only the military power—of the United States.

In sum, we must first provide for whatever military strength is needed to deter the Communist nations from aggression and subversion. This provides, in effect, a protective umbrella or a shield under which or behind which we can then seek the kind of mutually advantageous political situations which serve to lessen the likelihood of nuclear annihilation. It is precisely such a situation of mutual advantage which we believe prevails in the treaty to ban nuclear testing in the atmosphere, underwater, and in outer space.

I hope the United States of America, which is a citizen democracy, will never become a modern Sparta; otherwise we shall lose, as surely as the Spartans lost, despite their power. We have some rather tough questions to ask.

THE HARD FACTS OF INTERNATIONAL POLITICS

It seems to me that those persons who assert without qualification that the

treaty must be rejected, that we cannot do business with the Russians under any condition, that we should seek total victory over communism, have a duty to answer the following questions:

First. Do they believe that the Soviet Union and other Communist nations are simply going to go away, fade away, and leave the world at peace? If not, is it the course of wisdom to pretend that the Soviet Union has ceased to exist?

Second. Do they believe the United States could survive—in any meaningful sense—a nuclear exchange with the Soviet Union? Could the Soviet Union survive?

Third. Do they believe that the Communist nations are impervious to the tides of history which have, since the dawn of man, kept relations among nations in a state of constant flux? Are they immune to internal and external forces and, therefore, eternally insulated from all change?

I will not attempt to say how other Senators would answer these questions. But I can say how the Senator from Minnesota answers them.

Both the United States and the Soviet Union possess sufficient nuclear power virtually to destroy each other. I hope Senators will consider the full ramifications of this grim reality.

We are not discussing soccer, rugby, or football. We are discussing the survival of the human race. We are discussing peace and war. Moreover, I see no evidence whatsoever to suggest that the Soviet Union and its allies intend suddenly to resign from active participation in the affairs of this world.

To the contrary, I see evidence that they intend to do quite a little about affairs in this world, and intend to do it their way. Nor do I conceive of any way that a nation possessing the power and influence of the Soviet Union can simply be ignored when they seek attention whether by abuse by voice or by the written word.

However, while the Soviet Union maintains a dedicated and unrelenting antagonism against the free nations of the West, against our political and economic systems, there appears to be a desire to avoid nuclear war and to pursue the competition with the West through other less lethal channels. Let us not decide ourselves on this point—and it was to this that I was referring earlier in my colloquy with the Senator from Louisiana:

The Soviet Union still seeks the triumph of communism over capitalism and of totalitarianism over democracy.

They have not given up their goal or objective. But Chairman Khrushchev and his associates are sufficiently hard-headed to know that a triumph over capitalism through nuclear war, even if it were possible, would be a hollow triumph indeed. What the leaders of the Soviet Union do intend is a total offensive against our system in terms of economic and political competition, plus the military competition.

The Soviet Union knows that the United States will never initiate a nuclear war. Khrushchev also believes that he now possesses sufficient military power to protect the vital interests of his country. Therefore, he is seeking ways,

as I see it, to divert resources from military pursuits into heightening the economic, industrial, scientific, and political competition.

The Soviet Union has problems in industry and agriculture. The recent visit by the U.S. Secretary of Agriculture to the Soviet Union revealed that the Soviet Union intends to plow into its agriculture hundreds of millions, yes, billions, of dollars for fertilizer and new equipment.

He also learned that the Soviet Union could not outproduce the United States in weapons and missiles, even if the production of consumer goods was sacrificed.

One thing that I believe has been made clear in the past few years, particularly since 1961, is that by stepping up competition in the arms race in order to improve what we thought was our security posture, we have compelled the Soviet Union to divert vast amounts of its resources into the arms race, to produce weapons that it does not have in adequate supply. Khrushchev may well have come to the conclusion that this is a futile and losing effort.

He has not slackened his attack on the free institutions of the West. I do not think he will. In fact, we should be for more cognizant of the possible dangers from such a nonmilitary Communist offensive. In my opinion, the Senate has been overly hypnotized into giving almost total consideration to the military questions associated with the treaty. We have practically ignored these other challenges which are, in my opinion, far more likely to result from ratification of the treaty.

We rely chiefly on the testimony of generals, colonels, majors, and scientists. Yet we are supposed to understand the political, the economic, and the social forces. Paradoxically, Senators are trying to decide on the size of weapons and ballistic missiles, whereas they should be considering economics, history, and the social and political forces which are at work in America and throughout the world.

REASONS FOR SOVIET ACCEPTANCE OF TREATY

Many persons, including myself, have pondered over the reasons for the decision of the Soviet Union to sign this test ban treaty, after rejecting similar opportunities for years. I believe that the answers are closely related to the reasons for the determination to steer the cold war—if only for a brief period of time—into the nonmilitary spheres of competition.

I believe Mr. Khrushchev feels that we know less about that area of the struggle than we do about the military area. He has respect for our generals. I know, for he has told me so. He also has respect for our scientists; but I am not sure he has much respect for our economic, political, and social judgments. Why? Because we do not spend much time working on them.

Mr. President, as I have said, I believe the answers to the Soviet decision can be found in four principal factors.

First. The Russians had become aware of the dramatic increase in U.S. military strength during the past 3 years; and it has been dramatic. They saw that the United States had effectively doubled its

1963

CONGRESSIONAL RECORD — SENATE

15767

military power since 1960, particularly by equipping its strategic alert forces with nuclear warheads, by modernizing and accelerating naval ship construction, and by a 200-percent increase in the Nation's counter-guerrilla forces. Yet it was, and is, clear to the Russians that we will not use our military strength to attack them.

They have seen that we have many other programs in the process of being achieved. In fact, Congress will vote another \$10 billion appropriation for defense in one-tenth the time it takes us to debate about this treaty; and in making that appropriation, all of us will say we know exactly what we are doing.

With all due respect for all Senators, I venture to assert that not one-tenth of us have studied in detail the defense budget, nor have we inquired into all the plans of the military.

Second. The Russian leadership was profoundly shaken by the resolution and determination displayed by President Kennedy over the 1961 Berlin situation, and most dramatically during the Cuban crisis of last October, when Soviet missiles were forced out of Cuba. In my discussions this month with Soviet leaders in Moscow, I was impressed by the chastening effect of the President's decision in the Cuban crisis on the thinking of Soviet leaders.

Third. The Soviet leaders have felt increasing pressure to divert resources away from the field of military production and into the domestic area, particularly into the field of agriculture.

Certainly we should know something about agriculture. But, Mr. President, do we ever hear Senators discuss what is happening to Soviet agriculture except its failures? It may not always be a failure. It may give us more competition in the agricultural Common Market and may cause us more concern in Latin America, Asia, and Africa than any present problem that we face. But in the Senate there is seldom thoughtful debate on these problems. The Soviets' continued massive failure in the field of agriculture was all the more significant in the face of America's smashing triumphs in the production of food, not only for the Nation but for the hungry of the world.

Mr. President, do not think for a minute that Mr. Khrushchev does not understand the power of food. We look upon our abundance of food as a surplus; but Mr. Khrushchev looks upon it as a major asset in his total attempt to defeat freedom in the world. The day the Soviets create an abundance of food, they will put it to work "to bury us"; they will make it part of their policy of domination and control of the world.

We have the God-given blessing of an abundance of food and fiber; yet we worry about it as if it were the worst thing that ever happened to us.

I repeat, perhaps this is why Khrushchev would like to shift the emphasis away from the military—where he knows he cannot win—to the political, where he believes his chances are better. I hope his evaluation is wrong.

After 5 years of prodding by an Iowa farmer, Roswell Garst, Khrushchev has

now acknowledged that the problems of Soviet agriculture cannot be solved without massive capital investment—particularly in commercial fertilizer. The need for such capital has had a considerable influence on the decision to slow down the production of military weapons.

When we appropriate more money for the military we have less to spend for schools. When Khrushchev appropriates more money for the military he has less money to spend on agriculture.

The Russian's need for capital for economic expansion, for agriculture, for industry, for housing, and for consumer goods has had a considerable influence, in my opinion, on the decision of the Soviets to slow down or attempt to slow down the production of weapons.

Fourth. The Soviet Union is deeply concerned about the conflict with Red China. During our talks with Premier Khrushchev, in Moscow, at the time of the signing of the treaty, the Soviet Premier left the unmistakable impression that the strongest reason causing him to support a test ban treaty was the conflict with China.

Some say the dispute is only make-believe. But if it is, then the newspapers of America are doing a great disservice to the American public, because every day they publish headline stories about the dispute with China. But I do not believe we are being misinformed.

Mr. President, you may recall that when I was in Moscow in December of 1958, I reported to our Government that even then Khrushchev had some unkind things to say about Communist China. Mr. President, you may also recall that at the Communist Party meeting in Moscow Premier Khrushchev attacked me personally; he said I lied, that I was a Baron Munchausen, or something of the sort. He said, "Why should I tell this known anti-Communist about our so-called problems with China?" But he did tell me; and I told the President, because I felt it was my duty to report accurately; and I also told our then Secretary of State, John Foster Dulles.

Mr. President, I wish to make clear that what I first reported has now become a fact of international politics. It is a fact that there is an ideological dispute between the Soviet Union and China. It is a fact, as the majority leader stated today, for the Record, that there are even border disputes between the Soviet Union and China. The Chinese Communists assail Khrushchev every day and call him an appeaser, a militarist, and a capitalist lackey because of the treaty.

Mr. President, I am convinced that fear of a nuclear armed China has been a major fact in creating Russian support for a test ban at this time. But equally important, the posture of peace is a popular platform for Khrushchev in his struggle for Soviet supremacy within the Communist world. Khrushchev needs more than military strength to restore unity to the Communist bloc, to extend this leadership to all Communist countries. The platform of peace is also a popular platform in competing for the allegiance of the nonaligned nations of the world.

Have my colleagues thought why the signing of the treaty took place in Moscow? Have Senators considered the timing? I ask Senators if they have given some real thoughtful consideration to the circumstances. I should like to relate them.

In Moscow this summer were representatives of the Chinese Communists from Peiping, China. They were there to meet with representatives of the Soviet Union and other Communist leaders of Eastern Europe in an effort, supposedly or allegedly, to resolve the ideological differences between the two camps in the Communist sphere.

Mr. Khrushchev did not fight the struggle on the Chinese Communist terms. He decided to move into another area. He said, "What is the major issue in the world today? What is the issue that divides the Communist Chinese from the Russians at this particular time?"

One of those issues is peaceful coexistence. One of those issues is the fact that the Chinese Communists are aggressive. They have made clear through their spokesmen that they have no fear of nuclear war. They have even gone so far as to say they could lose 300 million people in a nuclear war and there would still be 400 million Chinese left.

Mr. Khrushchev knows something about arithmetic. He took a look at those figures and said, "That is exactly 75 million more dead than there are Russians living." So Mr. Khrushchev said, "I will take the peace issue." Mr. Khrushchev showed new interest in the treaty, not only because of the other factors that I have recited today, but because in the struggle with the Chinese Communists, which is a serious struggle today in the Communist bloc, he needed a platform upon which he could stand and around which he could rally support. He is not talking about the treaty in respect to how it strengthens his military posture but how it strengthens his peace posture in the world.

Mr. Khrushchev was getting nowhere in his effort. On the basis of ideology, Leninism, and Marxism, the Chinese, who were absolute purists on that question, and the newer Communist power, constantly condemned Mr. Khrushchev for being more of a pragmatist and a deviationist. What they said in simple terms was that Mr. Khrushchev is not a true Communist. Khrushchev has some bourgeois, capitalistic habits.

Mr. Khrushchev replied that the Chinese Communists want a war. They are aggressive. They know nothing about the dangers of nuclear war. They are irresponsible.

With all his limitations, Mr. Khrushchev has some understanding of political forces. He is no soft touch. He is no easy mark. He is clever. He is extremely able. He is subtle. He can be treacherous, and he knows how to fight. One could not become Chairman of the Council of Ministers in the Soviet Union and survive since 1917 by being stupid. Khrushchev has qualities of leadership. He ascertained quickly that if it came down to a strict interpretation of Leninism and Marxism, he

15768

CONGRESSIONAL RECORD — SENATE

September 10

would lose that struggle with his Chinese Communist brethren.

I say to my fellow Americans that I find it very ironical that a people who have been the users of force, abuse, and tyranny, and who have never really believed in peace, today make themselves the self-styled champions of peace because we let them.

Peace does not make one a weakling or an appeaser. One cannot get peace by being a weakling or an appeaser. The processes of peace require more courage than do the processes of war on the battlefield. The process of peace require more statesmanship than military education alone.

OVERLAPPING INTERESTS

While the Soviet Union may have good and sufficient reasons for accepting the treaty at this time, it does not necessarily follow that a test ban is not also in the best interests of the United States.

I cannot imagine our country signing a treaty that would be to our disadvantage. If I thought the President of the United States would sign a treaty that he knew would be to our disadvantage, he should be impeached, and the result should not be merely a failure to ratify the treaty. We make treaties because we think there is good in them for us.

For example, we signed a treaty with the Japanese and in the treaty provided that Japan could not have a military establishment—because, we thought, it was to our advantage. We did the same with the Germans. We altered the treaty with the Germans. Why? Because we thought it might be to our advantage as a partner in NATO if the Germans had a powerful military establishment.

I repeat that any treaty that does not have a mutuality of advantage will never be kept. That is not the way things can be explained to people. It would be much easier to go on the stump and say, "This treaty is no good because the Russians will benefit." That would prove that the speaker is a vigorous anti-Communist. It would also prove that he would not know what he was talking about.

So I repeat, while the Soviet Union may have good and sufficient reasons for accepting the treaty at this time, it does not necessarily follow that a test ban is not also in the best interests of the United States. To the contrary, it appears to this Senator to be highly desirable to encourage a more moderate Soviet policy in relation to nuclear war and the arms race even if it means heightened competition in the nonmilitary spheres. We can do this by seeking areas of agreement which serve the interests of both the United States and the Soviet Union. I have listed what appear to be the principal motives for Soviet acceptance of the treaty.

I am sure there are others. The committee report recites some.

I would also note the four specific areas where the interests of the two nations appear to overlap.

First, I can think of no greater possible mutuality of interest on the part of the Soviet Union and the United States than in the prevention of thermonuclear war.

There is only one other nation with any of these bombs besides Russia and the United States; that is, Great Britain. If a thermonuclear war should break out, the first nations to suffer the unbelievable, indescribable, destructive tragedy would be the United States of America and the Soviet Union. We have some mutuality of interest in respect to preventing that.

The results of such a war would be grave destruction on both sides. President Kennedy has stated:

A full-scale nuclear exchange, lasting less than 60 minutes, with the weapons now in existence, could wipe out more than 300 million Americans, Europeans, and Russians, as well as untold numbers elsewhere.

That is what we are talking about. We are talking about whether we can slow down the nuclear arms race a little to give us some breathing space, a little time to bring reason to bear upon these problems.

It is clear that Chairman Khrushchev agrees with the President's conclusion on this subject. He has, indeed, warned the Communist Chinese that in the event of a nuclear catastrophe "the survivors would envy the dead." That is a very impressive and perceptive statement.

The Cuban missile crisis served to heighten the awareness and sensitivity of both sides to this very grave risk.

Second, as the United States and the Soviet Union glower at each other from atop our separate stockpiles of nuclear destruction, we share a common interest in preventing the spread of these weapons of mass destruction to other countries which do not already have them. Both of us realize that the proliferation of nuclear weapons will, if permitted to continue over time, multiply the dangers of thermonuclear war. It will increase the danger of the use of nuclear weapons in local conflicts, either by accident or design, by governments substantially less stable and less responsible than our own.

The nuclear test ban treaty will not, of itself, stop the further proliferation of nuclear weapons. But the treaty will significantly reinforce present U.S. policies in this regard. These policies have been wisely and emphatically enunciated by the Congress in legislation dealing with atomic energy matters.

Third, both the United States and the Soviet Union share a common interest in the prevention of further contamination of the atmosphere by radioactive fallout. The radioactive pollution of the atmosphere from previous nuclear tests has created a health hazard which we share not only with the Soviet Union but also with all other countries of the world. Further testing will increase the danger and the nuclear test ban treaty will have a dramatic effect in reducing this risk.

Just how serious is this risk? This has been discussed a great deal. Although the matter is hotly debated, I have become quite concerned over certain recent reports. Dr. Maurice B. Visscher, professor of physiology at the University of Minnesota, and former president of the American Physiological Society—and, I might add, a close personal friend—said on August 20, 1963, that there are two facts which Senators "can ignore only at

the risk of great damage to the people of the United States and the world."

These facts, according to Dr. Visscher, are: First, there is now good scientific evidence that radiation at the average levels already produced by fallout is capable of increasing the incidence of cancer by significant amounts, and second, fallout is not uniform and, as a consequence, some people are exposed to many times the average dose.

If the Senator from Utah or the Senators from Nevada were present today, perhaps they would be able to make a further contribution.

Should it give us any feeling of cheer to read in the newspapers that the University of Utah has demonstrated that the amount of strontium 90 in milk is double what it has ever been before in the recorded history of the testing of milk?

The speech made by the distinguished majority leader, soon after Labor Day, was one of the most concise, definitive, effective speeches ever delivered on this subject in this body.

For example, young children in Utah have been exposed to amounts of iodine 131 significantly above the levels where protective measures should be taken. Another example, residents of Palmer, Alaska have been exposed to amounts of iodine 131 above the acceptable level as established by the Federal Radiation Council.

I add, they keep raising the level.

Alaskan eskimos have absorbed unacceptable amounts of cesium 137. And so the story goes. It is not a pleasant story. This treaty gives us the opportunity to begin writing the final chapter of this story.

Why should the Nation not be concerned about the unknown hazards of radioactive fallout? What right has the Government of the United States or any other government to contaminate the atmosphere with products which have a serious and adverse effect upon the health of mankind, animals, and plant-life?

One might say, "Do you have enough facts to justify any indictment of radioactive fallout?" I have enough facts to know that it is not good for us. We all know that a sufficient dose of radioactivity is detrimental, and can be lethal. We know it affects the yet unborn.

There is another mutuality of interest.

Fourth, both the United States and the Soviet Union share a common interest in the prevention of war by accident, miscalculation or a mere failure of communications. I have already alluded to the fact that the treaty would, by inhibiting the spread of nuclear weapons, reduce the dangers of their accidental use. We should also reflect, however, upon what has gone before and what may come after the treaty. On June 20 the Soviet Union and the United States agreed upon the establishment of a direct communications link between Washington and Moscow. The "hot line" became operational on September 1. After the treaty we may look forward to further negotiations regarding measures to reduce the risk of war by unintended causes. For example, Chairman Khrushchev has recently indicated a revived

1963

CONGRESSIONAL RECORD — SENATE

15769

Soviet interest in the establishment of ground observation posts located on both sides of the Iron Curtain. Such posts would reduce the dangers of surprise conventional attack. An agreement of this kind, if not linked to other unacceptable measures, would be in our interests to pursue.

Mr. President, when we think of the difficult and serious days of October 1962, we should meditate for a moment upon the fact that the communication between this country and the Soviet Union was so bad that we had to rely upon open radio. There was no real communication, in this world of computers in space travel, of speed and efficiency.

We did not get an agreement with the Soviet Union on the "hot line" because we love the Russians or because they love us, or because we have turned Communist or they have turned capitalist. We got that agreement because everybody was frightened half to death that unless there were better communications somebody might push the button and the nuclear war would be on.

All this nonsense about, "Do you trust them? Are you being taken in by them? Are you getting soft on the Russians or communism?" is sheer political nonsense. We do not trust them. They do not trust us.

The treaty is not based upon trust. It is based upon a mutuality of interest, and upon detection.

Prof. Marshall Shulman of the Fletcher School of Law and International Diplomacy, in a brilliant analysis of Soviet and United States policy relating to the test ban, pointed out that (a) there is this natural overlapping of Soviet and United States interests, and (b) there are other unintended effects of Soviet policy likely to be in the interests of the United States.

Let me quote from Dr. Shulman's testimony:

Indeed, the most striking characteristics of recent Soviet foreign policy has been the way in which policies undertaken for short term, expedient purposes have tended to elongate in time, and become embedded in doctrine and political strategy. The shift to a "peaceful coexistence" emphasis, originally a tactical alternation, has been evolving and deepening into a policy directed to power bloc politics rather than toward social revolution.

In terms of the longrun security of the United States, it can be argued that this unintended effect has created an environment less likely to lead to nuclear war.

Peaceful coexistence does not mean that there is going to be peace and happiness in the world. It means only that the Soviet Union will emphasize the non-military aspects of the competition and struggle in order to achieve its objectives.

As Dr. Shulman pointed out, these changes in Soviet strategy and doctrine have, at least in part, resulted from Western strength and determination. In short, it is possible to influence basic Soviet strategy in a way which raises the possibility of increasing U.S. national security.

We did that when we told Mr. Khrushchev to get his missiles out of Cuba.

Let me again quote from Dr. Shulman's testimony:

It should be possible for us to recognize, without in the slightest minimizing the seriousness of our conflict with the Soviet Union or diminishing the vigor of our prosecution of this effort, that this does not preclude the search for some safeguards, although perhaps at this stage only marginal ones, which can be mutually advantageous.

I would like to give that statement great emphasis in this debate. It seems to me to sum up the basic argument of those who support this treaty. No one is talking about "crawling to Moscow on our knees," or, "selling out to Khrushchev." Everyone accepts the perfectly self-evident fact that America must remain militarily strong. But saying these things surely does not disqualify one from also saying that we must also search for other safeguards as well.

At this point in time we surely cannot overlook the vast implications of the Sino-Soviet struggle for the future of mankind.

I intend to discuss this matter in the Senate some time in the future. But for the present let me make these several brief observations.

Chairman Khrushchev has probably stated his personal political survival and perhaps the dominance of the Soviet Union among Communist nations on the policy of "peaceful coexistence." If one accepts the realities of the real world, as opposed to the fantasies of the radical right wing, it seems incontestable that the security of the United States does not lie with the bellicose, militarily aggressive, and comparatively irresponsible Communist Chinese. Nor does it lie with their allies within the Soviet military and government power structure. And, make no mistake about it, those forces do exist within the Soviet Union.

If the Soviet Union—in the context of its struggle with Communist China—can be encouraged to pursue those policies which have the perhaps unintended effect of increasing the overall security of the United States, we should do so. Rejection of this treaty would surely have the most profound impact on the Sino-Soviet struggle, with the strong possibility of a military reaction within both the Soviet Union and Communist China that would gravely threaten the long-term security of this Nation in terms of nuclear war.

If the treaty is rejected, there will be an arms race the likes of which the world has never known.

What we are really talking about is whether the United States can afford to take this small step toward building greater confidence between the two principal nuclear powers in the world. We do not enter this period with sanguine or foolish notions of what may eventually result. We have our powder ready, and it is very, very dry, and there is lots of it. If we find that the Soviet Union does not share our belief that the competition between these two great systems of power can be pursued in ways which exclude mutual annihilation, then we must face this fact grimly, resolutely, and courageously. We demonstrated our willingness, and ability to assume this

posture just 1 year ago this coming October.

On the other hand, can we now afford not to make this contribution to the "process of peace" which President Kennedy discussed so eloquently at American University in June.

The President said:

There is no single, simple key to this peace—no grand or magic formula to be adopted by one or two powers. Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process—a way of solving problems.

I wish this great message of our President were more fully understood and more often applied.

I have been an advocate of this treaty because it represented to me a beginning to the solution of the problem of the escalating arms race and the many dangers related to this competition. If this treaty is a feeble candle in the immense void of nuclear desolation, the feeble candle which our distinguished majority leader described so eloquently last week, then I think we have a sacred obligation to see that this candle is permitted to flicker, however weakly. I want no guilt on my hands for snuffing it out.

A candle provides little comfort in the black darkness of night. And so I see no strong assurances of comfort in this treaty. But I shall vote for it so that there will continue to be some light; so that we will not be in darkness; so that we can continue the search for other candles.

Mr. THURMOND. Mr. President, so that Senators may have available to them various editorials and other materials which raise questions about or objections to the proposed Moscow test ban treaty, I have been placing in the CONGRESSIONAL RECORD some important materials from around the country which have come to my attention. As the Senate is now giving consideration to the ratification of this treaty in floor debate, I think it is particularly appropriate that some material that I have gathered together be made available for study and consideration in today's RECORD. I therefore ask unanimous consent to have the following material printed in the RECORD at the conclusion of these remarks.

First. A letter from Mr. I. V. Horner, 125 East Woodward Boulevard, Tulsa, Okla., dated August 10, 1963.

Second. Two editorials from the Knoxville Journal, Knoxville, Tenn., dated August 23, 1963, entitled, "Be Kind to Communists" and "One Hundred New Frontier Accommodations (Concessions) Listed."

Third. An editorial from the Enquirer, Cincinnati, Ohio, August 4, 1963, entitled, "Here We Go Again."

Fourth. An article by Constantine Brown which appeared in the Sunday Star on September 7, 1963, entitled "NATO and the Test Ban Treaty."

Fifth. An editorial from the Aiken Standard and Review, Aiken, S.C., September 3, 1963, entitled "Help Your Senator."

CONGRESSIONAL RECORD — SENATE

September 10

15770

Sixth. An article written by Robert Morris on August 30, 1963, entitled "The Test Ban Treaty."

Seventh. An article which appeared in the Columbia Record, Columbia, S.C., on September 5, 1963, entitled "Strauss Lists Traps in Nuclear Test Ban Treaty."

Eighth. Two editorials from the Augusta Chronicle, Augusta, Ga., September 7, 1963, "Will the Senate Yield" and September 9, 1963, "The Issue Is U.S. Security."

Ninth. The September 1, 1963, Economic Council Letter entitled "Russian Roulette."

Tenth. A letter to the editor of the Panama City Herald, Panama City, Fla., from Paul D. Conrad, Sr., Panama City.

Eleventh. The Manion Forum of September 1, 1963, entitled "The Test Ban Treaty, A Covenant With Death and an Agreement With Hell."

Twelfth. An editorial from the News and Courier, Charleston, S.C., September 9, 1963, entitled "RUSSELL IS OPPOSED."

Thirteenth. An editorial from the Nashville Banner, Nashville, Tenn., September 6, 1963, entitled "Reservations Stipulated Essential to Treaty."

Fourteenth. Two radio editorials from Radio Station WDX, Orangeburg, S.C. One was broadcast on August 17, 1963, the other on August 23, 1963.

Fifteenth. An editorial from the Chicago Tribune, Chicago, Ill., September 3, 1963, entitled "The Treaty in the Senate."

Sixteenth. An article written by Rev. Richard Ginder which was published in Our Sunday Visitor on August 11, 1963.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TULSA, OKLA.,
August 10, 1963.

HON. STROM THURMOND,
Senator, South Carolina, Senate Office Building, Washington, D.C.

DEAR SENATOR: John Foster Dulles had this to say about a test ban treaty:

"A GREAT ACHIEVEMENT FOR PEACE"

"Since a (test ban) treaty is what the Russians want, it wouldn't be difficult to come up with one which would look good on the surface. We could include in it all the fuzzy language of diplomacy—and believe me, I know some of the phrases—and present it to the world as a great achievement for peace. All of this would result in a relaxation of world tensions, generate a feeling of international good will, and probably elect a Republican President in 1960.

"But we're not going to do it. If we signed such a pact with the Soviets, there would develop a tremendous pressure to cut back on our defenses, reduce the size of our Armed Forces, and curtail our armaments. And we'd have only the word of the Russians that they were doing the same. Our NATO, SEATO, and other alliances would be endangered, perhaps to the point of deterioration. As a result, within a few years, we could be as a sitting duck for the Communists to pick off whenever they felt the time was ripe."

"THE WORKER SEEMS TO WANT YOUR VOTE, WHY?—PEOPLE'S VOICE CAN PUSH TEST BAN THROUGH SENATE"

"(By Daniel Mason)"

"Nose counting in the Senate last week revealed that, while only 10 to 20 of its Members had openly come out in opposition to the nuclear test ban treaty initiated in

Moscow a week and a half ago, a majority have as yet refused to commit themselves, usually contenting themselves with stating that they would make up their minds after all the evidence was in.

"It is thus becoming apparent that it is too early to be optimistic about the ratification of the test ban treaty in the Senate by the two-thirds majority needed. It can be expected that in the next month, during which the pact will be debated in the Nation's upper House, enemies of peace will mobilize all their power to influence the Senate either to reject it or emasculate it.

"The appeal by President Kennedy on July 26 to the American people not to let the 'military, scientific, and political experts' monopolize the debate over the test ban treaty * * * telegrams to the President were running 12 to 1 favoring the treaty. The size of those backing the pact is extremely important as reflecting the trend of thinking by the Nation's ordinary citizens, since the usual tendency is for the opponents of a governmental action to get in the first licks with their expressions of disapproval. Those backing the action are then spurred into action.

"Reaction in foreign lands"

"The impressive fact about reaction outside the United States is the eagerness with which the leaders of foreign governments are requesting the right to become signatories to the test ban agreement.

"Feiping newspapers last Monday continued the attack on the Soviet Union for having agreed to a test ban pact asserting that the U.S.S.R. was deceiving itself by welcoming the treaty as a step toward peace. The Chinese papers appeared to be disturbed by the fact such a treaty might halt the spread of nuclear weapons to countries not now possessing them. A note by the editor of Hsinhua the Chinese news agency, in explaining the pact, indicated this when he claimed it would restrict Socialist countries not now possessing nuclear weapons."

Sincerely,

I. V. HORNER.

[From the Knoxville (Tenn.) Journal,
Aug. 23, 1963]

BE KIND TO COMMUNISTS

The greater part of this page is devoted today to a listing of the concessions—under New Frontier semantics "accommodations"—which have been made by the Kennedy brothers during a little more than 2½ years in office.

We hope a few readers, at least, will take the time to wade through these listings because in the aggregate they make clear the adoption of a policy of appeasement into which the Khrushchev treaty now before the Senate fits perfectly. In other words, some such climatic "accommodation" to the aggressive character of world communism was to have been expected, now that we look back on this record, as a sort of capstone for a long succession of vital concessions.

It is noteworthy that the instances of "giving in" to communism are not confined to the Kremlin itself. The slogan of "Be Kind to Communists" has been lived up to not only where Moscow was directly concerned, but in numerous other parts of the globe where Communist dictatorships are operating their customary police state regimes, notably Cuba.

The adoption of a policy of appeasement was forecast by the London Times in 1961, shortly after Mr. Kennedy took office. A front-page story in that publication said President Kennedy had been advised by some of his special assistants that the Soviet Union was in an "accommodating" mood.

It does not require too much imagination to identify at least one of these advisers as Dr. Walt Whitman Rostow, Chairman of the

Policy Planning Council of the State Department. Some months ago the news leaked out that Rostow had prepared a long memorandum for circulation only among the State Department elite defining just such a policy as is illustrated in the list on this page. He and others of the President's advisers also were responsible for the plan submitted to the United Nations to ultimately disarm this country completely. Thus it is apparent that the London Times' prediction was accurate and that we are on our way toward further gradual concession of world leadership to Moscow.

It was not surprising, but was certainly noteworthy that old Khrushchev, having put over his fast one on us in connection with his word-of-honor test ban treaty, didn't have the grace to wait until the U.S. Senate had approved it to begin bragging about his achievement.

In a communication aimed at Red China primarily but for the benefit of Communist countries everywhere, day before yesterday he laid claim to a great diplomatic victory, as well he might. He called his limited nuclear test ban a positive gain for communism, saying it would perpetuate the liquidation of the onetime American nuclear monopoly and freeze each side's nuclear power. The Khrushchev statement was no doubt embarrassing to the Kennedy brothers, but in the nature of the Russian dictator it certainly could not have been unexpected.

ONE HUNDRED NEW FRONTIER ACCOMMODATIONS (CONCESSIONS) LISTED

(EDITOR'S NOTE.—Shortly after John F. Kennedy was inaugurated in 1961, the London Times carried a front page story that President Kennedy had been advised by some of his special assistants that the Soviet Union was in an "accommodating mood." The record shows, the newspaper said, that the President accepted this assessment and set about trying to seek an "accommodation" with the Soviets. The "accommodations" effected by the Kennedy administration, beginning in its first months, have now become a substantial list. It will be noted that these "accommodations" in every case actually represent concessions made to world communism. This policy of appeasement is now to be capped off by agreement to a nuclear test ban treaty that depends solely upon the "word of honor" of the Russians. A list of these concessions, made within the almost 3 years of the Kennedy administration follows.

1. Three times refused to follow the directions of Congress to specify in the President's annual "Captive Nations" proclamations that formerly free nations taken over by the Communists be given their independence (on the grounds that the congressional wording would "offend" the Soviets);
2. Authorized the shipment and sale of subsidized farm products to Communist countries;
3. Approved the sale of grain unloading equipment to Red China through Canada in order to evade U.S. laws prohibiting trade with Communist China;
4. Delayed for a full year the cutoff of remaining U.S. trade with Cuba, thereby helping to keep Castro's wobbly economy shored up.

5. Successfully pressed for greater aid for Communist Poland and Yugoslavia;
6. Refused an official greeting for the San Remo (Italy) Festival group appearing at Washington's Constitution Hall on March 21, 1963, but gave lavish White House reception to Poznan Choir from Communist Poland;
7. Ordered the issuance of passports, according to Passport Director Frances Knight, to known Communists to travel to the Soviet Union and other countries;
8. Allowed the release of military space information to the United Nations, including its Communist members, while barring it to the American

1963

CONGRESSIONAL RECORD — SENATE

15771

people as "top secret"; 9. Financed construction of a highway in Afghanistan which will provide the Soviets with a first-class military route to the Indian subcontinent; 10. Initiated negotiations to establish diplomatic relations with Communist Outer Mongolia, halted them only when public protests mounted.

BOLSTERED ECONOMY

11. Bolstered the Soviet economy and cut into the market of American producers by lifting the ban on imports of Russian crabmeat; 12. Approved the Moscow-New York air route, which would give the Reds a "spy route" between the two nations but held up final implementation because of congressional protests; 13. Misled the U.S. public about President Kennedy's Vienna meeting with Khrushchey until the Soviet press revealed the Russian leader had laid down a 1-year ultimatum to settle the status of Berlin; 14. Actively supported the election of President Juan Bosch of the Dominican Republic, although he had the solid backing of four pro-Communist parties and since has permitted Communist exiles to return to the country.

15. Provided a red carpet reception and aid to the pro-Communist ruler of Algeria, Ben Bella, who then ordered confiscation of U.S. property; 16. Extended heavy foreign aid to Burma, U.N. Secretary General U Thant's native land, which was the first in Southeast Asia to sign a "peaceful coexistence" pact with the Chinese Reds and ordered American businessmen expelled; 17. Granted a passport for travel to Communist Outer Mongolia to Owen Lattimore, who had been termed by a Senate committee as a "conscientious, articulate instrument of the Soviet conspiracy"; 18. Authorized the shipment of scrap metal, which can be used in the manufacture of arms, to Iron Curtain countries, including Russia; 19. Agreed to Khrushchey's demands to cut back Voice of America broadcasts to Iron Curtain countries in exchange for a Communist pledge to reduce jamming; 20. Refused to reveal the contents or subject matter of 40 secret messages exchanged between President Kennedy and Nikita Khrushchey.

FAVORED TREATMENT

21. Ignored congressional prohibition and gave favored-nation treatment to trade with Communist Yugoslavia and Poland; 22. Trained, at U.S. taxpayer expense, Yugoslavian troops at the Army General Staff School, Fort Leavenworth, Kans., and Yugoslavian pilots at U.S. Air Force bases; 23. Shipped vast quantities of jetplanes to Yugoslavia; 24. Led the campaign to have U Thant appointed Secretary General of the U.N., a move hailed by Khrushchey as "better than the troika" plan he had proposed; 25. Banned the showing of House Un-American Activities film, "Operation Abolition," on military bases because of protests from leftist groups; 26. Turned over to Communist Poland a \$2,500,000 steel galvanizing production line.

27. Reduced the Subversive Activities Control Board, which was charged with protecting the Government against disloyal persons, to the status of a "ghost agency"; 28. Indicated in statements by the President and other high administration officials that we would not defend offshore island of Quemoy and Matsu from a Red Chinese invasion; 29. Called for adoption of a "two-China" policy in a report which was quickly cloaked in official secrecy when public protests mounted; 30. Lifted U.S. travel restrictions on Soviet visitors and embassy personnel, although Russia still restricts movements of Americans there.

31. Drastically slashed economic assistance and military aid to Nationalist Chinese; 32. Successfully pressed for deletion of loyalty oath requirements in the law granting loans to students, thus making it possible

for Communists to attend U.S. schools at taxpayer expense; 33. Tacitly approved the appointment by the Organization of American States of Dr. Robert Oppenheimer (who had been dismissed from the Government for security reasons) as "traveling professor" in Latin America and later approved Oppenheimer as recipient of the \$50,000 Fermi Award.

34. Made an even-up swap of Soviet Master Spy Rudolf Abel for U-2 reconnaissance Pilot Francis Gary Powers; 35. Dropped legal actions against several Soviet agents picked up in this country for espionage, allowing them to return to Russia as an expression of our good will; 36. Ordered the release from prison of Communist Party Organizational Secretary Harry Winston, one of 11 Reds convicted of conspiring to overthrow the United States (on grounds he was dying of cancer, although 2 years later, as a citizen of the Soviet Union, he is still alive and actively attacking the United States); 37. Relaxed security provisions on Federal employment, ignoring security reports in order to appoint hundreds to high posts.

38. Proposed abolition of the Security Division of the Justice Department, but withdrew plan because of protests from public and press; 39. Sought funds to construct Government-operated steel mill in India to compete with privately owned facilities in that country; 40. Idly stood by while India took over Goa and other Portuguese enclaves; made only mild protest in U.N. concerning Nehru's aggression.

ATTACKS SUPPORTED

41. Supported the Communist-led attacks on Portuguese Angola, then sided with the Communist bloc in attacking Portugal in U.N. for colonialism; 42. Extended military aid to pro-Communist Cambodia, despite protests of its neighbor, anti-Red Thailand; 43. Provided U.S. materials to construct a Soviet hospital in Cambodia and dismissed from Government service the foreign aid investigator who uncovered the deal; 44. Pushed pro-Western Pakistan toward the Communists by extending to "neutralist" India heavy military aid which was then concentrated on Pakistan border.

45. Approved \$37 million in aid for a Volta River dam and other economic assistance for pro-Communist Ghana, whose delegate to the U.N. promptly denounced the United States for its criticism of Fidel Castro; 46. Classified as "secret" information on U.S. military aid to Indonesia's pro-Communist dictator, Sukarno, and other Communist and pro-Communist rulers, while allowing release to public of similar statistics on non-Communist countries; 47. Refused aircraft landing permission on U.S. Pacific territories to our long-time ally the Netherlands, which was transporting replacements for Dutch under assault by Indonesians in West New Guinea.

48. Further offended the Dutch and Papuan natives of West New Guinea by refusing to send diplomatic representation to the first session of the native parliament; 49. played a leading role in forcing, against the will of the Papuan natives, the surrender of Dutch New Guinea to Indonesia; 50. Failed to protest moves by Indonesian President Sukarno obviously aimed at further territorial aggrandizement in Portuguese Timor and Borneo.

51. Negotiated with pro-Communist President Sukarno the installment-plan expropriation of U.S. oil properties in Indonesia and agreed to give him \$19,700,000 more aid in addition to \$700 million he has already received; 52. Used economic coercion to force a Red-dominated coalition government on pro-Western Laos, as Khrushchey had demanded, resulting in a near-complete takeover of the country by the Communists; 53. Allowed North Vietnamese and Red Chinese

troops to move in on the northern and eastern flanks of anti-Communist Thailand by defaulting northern half of Laos to Reds; 54. Provided a red carpet reception at the White House to admitted Communist Premier Chedi Jagan of British Guinea and gave him vast sums in economic assistance, promised more if needed.

55. Abstained in the U.N. vote on recognition of the credentials for representatives of the bloody Kadar regime in Hungary. 56. Inaugurated discussions in Budapest meant to lead to the "normalization of relations" with the Communist Hungarian Government, in effect abandoning hopes of the people of that country for eventual freedom; 57. Allowed the Communists to erect the Berlin Wall in flagrant violation of Western rights obtained in five separate agreements with the Soviets, halting free access within the city, and issued only a mild and meaningless protest.

58. Touched off Berlin riots with a policy which forbade U.S. Army medical personnel from going to the assistance of a mortally wounded 18-year-old shot by Red soldiers while attempting to scale wall; 59. Ordered the public relations representative of pro-Western Katanga, who had registered as agent of that country, to leave United States, but allowed the firm representing the leftist Central Congolese Government to neglect registration until 20 days past legal limit; 60. Supported with U.S. equipment and funds Communist efforts to oust pro-Western Katanga leader, Moise Tshombe, and end that country's independence.

SUSPENDED BAN

61. Used its executive power to suspend the ban on free delivery of Communist propaganda through the U.S. mails, argued against congressional action to enforce the ban, and failed to halt the flow of Red mail even after Congress reinstituted the ban; 62. Programmed the vast majority of aid under the Alliance for Progress to Latin American nations which sided with Fidel Castro and against the United States.

63. Tied Alliance for Progress funds to Castro-style "land reforms," Marxist tax programs and socialized projects which forced private capital investment to flee the continent; 64. Failed to protest to the Venezuelan Government the burning of U.S. military mission in Caracas and robbery and humiliation of American personnel by Communist terrorists; 65. Provided heavy U.S. aid to the pro-Communist Goulart government in Brazil, despite vast confiscations of U.S. property; 66. Apologized to the pro-Communist Brazilian Government for testimony of a State Department official who said that the Goulart administration was infiltrated by Reds; 67. Continued U.S. assistance to Great Britain, Greece, Italy and Norway, whose ships were engaged in the transportation of strategic materials to Cuba, and failed to advise Congress of U.S. aid given to 23 other nations, whose ships carried economic materials to Castro, in clear violation of the 1963 Foreign Aid Appropriation Act.

68. Sought to mislead the American people that equipment had been developed which could detect underground nuclear explosions, thus making on-site inspections unnecessary; 69. Prohibited criticism of communism or references to free world "victory" over Reds in speeches by U.S. military leaders; 70. Successfully bottled up through New Frontiersmen on House Committees legislation which would cut off the flow of Communist Chinese trade with Cuba through the Panama Canal; 71. Perpetuated a Communist base in this hemisphere by withdrawing promised air support of the Cuban invasion which military authorities maintain could have brought down the Castro government.

72. Renounced the Monroe Doctrine because it would have necessitated taking firm

September 10

15772

CONGRESSIONAL RECORD — SENATE

action against Cuba while Khrushchev declared his own "Moscow Doctrine" in which he pledged Soviet protection to the Castro regime; 73. Sponsored the "Tractors for Freedom Committee" to ransom Cuban invasion prisoners, and, after that failed, twisted the arms of U.S. drug producers to provide some \$53 million in supplies to meet Castro's ransom demands; 74. Refused to recognize a Cuban Government in exile, admittedly for fear it would antagonize Castro into grabbing our Guantanamo base; 75. Misled the American people over the size of Russian forces in Cuba and the installation of Soviet missiles on the island; 76. Effected a "blockade" of Cuba and hastily withdrew it before obtaining on-site inspection to guarantee removal of the Soviet missiles and withdrawal of Russian troops.

77. Opposed firm economic sanctions and other actions against Castro during a meeting of Latin American presidents of San Jose, Costa Rica, in March 1963, and quieted protests with pledges of \$600 million in aid; 78. Flatly rejected demands by representatives of Latin American governments of a meeting of the OAS Organ of Consultation that the U.S. order removal of Soviet troops from Cuba and called, instead, for "diplomatic" measures; 79. Banned exile raids on Cuba, and with British assistance, hunted down and seized exile vessels on high seas; 80. Refused to carry out pledge to "intervene" if Castro were to export communism to rest of hemisphere.

81. Forced the resignation of Miro Cardona, Cuban exile leader, and threatened to cutoff funds to refugee groups if Cardona revealed that the administration had reneged on a promise to finance and support a second invasion of the island; 82. Financed, through the United Nations special funds, a variety of projects in Communist Cuba and helped, in effect, to pay much of Castro's overdue debt to the U.N.

83. Failed to take legal action against 73 American citizens who went to Cuba via Mexico in violation of U.S. law, studied subversion and sabotage techniques and returned in 1962; 84. Allowed Castro to personally select 50 percent of the Americans who could be repatriated and withheld the information from the public until exposed by GOP Representative WILLIAM CRAMER, of Florida; 85. Blocked GOP attempts to prove possible secret deals made with Castro in behalf of the Kennedy administration by Attorney James Donovan.

86. Pledged to Premier Khrushchev that the United States would not invade Cuba, thereby assuring communism a permanent base in this hemisphere; 87. Closed down at cost of \$277 million, as Khrushchev had insisted, Jupiter missile bases in Italy and Turkey on the grounds they were obsolete, although later congressional testimony disclosed they could have been made practically invulnerable by emplacing them in hard sites; 88. Failed to develop a single new weapons system during first 31 months in office, while Russia pressed ahead in all defense areas; 89. Proposed to cut back nuclear stockpile for weaponry further than Russia if Reds would agree; 90. Proposed that the Soviets be allowed to develop a second strike force second to none in the world so that Communists could feel secure against attack by the West.

ABANDONED POLICY

91. Abandoned the Eisenhower policy of massive retaliation in the event of an enemy attack for one of "controlled response," meaning we would only fire on carefully selected targets and may even pass up strikes at Russian cities, no matter how large or devastating a Soviet attack might be; 92. Sought to scrap the RS-70 high altitude bomber program, in spite of the knowledge that the Soviets have continued to build up their bomber fleets.

93. Cut back on schedules of hard-site installation of Minuteman missiles, called by

military experts our "ultimate weapon"; 94. Shut down B-47 and B-52 bases built around the Soviet periphery under the Eisenhower administration; 95. Canceled the Skybolt air-to-ground missile program, which would have given Great Britain nuclear striking power for defense against Russia; 96. Curtailed U.S. military space program despite Russia's 2 to 4 years lead in this area; 97. Ordered a reduction of radar defense installations which warn United States of enemy attack.

98. Declared unilaterally a moratorium on atmospheric tests well before the test ban treaty was concluded in spite of earlier pledges against such action; 99. Proposed as a next step to a test ban treaty the signing of a nonaggression pact with the Communists which would mean the abandonment of the captive nations behind the Iron Curtain; 100. Canceled reconnaissance flights over Cuba and halted all anti-Castro activity by Cuban exiles to minimize the possibility of an incident before the nuclear test ban treaty was concluded.

[From the Cincinnati (Ohio) Enquirer, Aug. 4, 1963]

HERE WE GO AGAIN

Something for the books—the history books—is the assertion of W. Averell Harriman, who initiated the secretly arrived at partial atomic-test ban, that "if we don't ratify, there will be an uproar . . . we will lose our leadership in the world . . . I think we will lose our position everywhere."

Mr. Harriman was still warm from the enthusiastic embrace of Nikita Khrushchev, who played the United States for a sucker on the informal test moratorium, using the intervening time to set up new and more powerful atomic test explosions.

Mr. Harriman, of course, is a Russian "expert." (He was at Yalta.) But the men expert in the defense of this Nation—the Joint Chiefs of Staff—have, according to U.S. News & World Report, twice filed written, formal dissents from the proposal for the test ban. They have felt that a partial, unpoliced treaty—which Russia could and would violate at any time—will impair the development of our defense, and will effectively freeze our nuclear capacity while the Russians catch up or forge ahead.

Secretary of Defense Robert S. McNamara believes the gains will outweigh the risks. He and his staff of so-called whiz kids have halted or phased out a great bulk of American offensive and defensive weapons. We have effectively given up work on an anti-missile missile, new long-range bombers, airborne intermediate-range missiles, atomic propulsion of aircraft, military spy satellites, Navy carriers overseas bases and production of new atomic bombs.

Mr. McNamara boasts that he hasn't made a mistake yet.

In his case, one would be enough. Or one too many.

President Kennedy has made a homely little appeal for the partial test ban—which gives up on our previous insistence for any on-site inspections.

He has said that the treaty is not the millennium, but that, in the words of the Chinese proverb, a journey of a thousand miles begins with but a single step.

So does a fall over a precipice.

The President said: "This treaty is in part the product of Western patience and vigilance. We have made clear—most recently in Berlin and Cuba—our deep resolve to protect our security and our freedom against any form of aggression."

The public should be indebted to Mr. Kennedy for this comparison—for the warning it unwittingly entails.

What did we make clear in Berlin? Since Khrushchev sized up Mr. Kennedy at Vienna, the Communists proceeded to build the infamous Berlin Wall in clear contraven-

tion of the occupation agreement. We have not touched a stone of that wall, despite murder after murder of those attempting to escape Communist despotism. In fact we have condoned this aggression by inaction.

What did we make clear in Cuba? That we would not support any attempt to restore the freedom of the island, and that we would tolerate its fortification and development as a prime Communist military base in the Western Hemisphere. The Post Office Department—on whose suggestion we can only guess—even stopped printing the 5-cent President Monroe stamp, lest it remind people of the forgotten Monroe Doctrine.

Mr. Harriman was kind enough to indicate that he was not trying to put a nuclear gun at the head of the U.S. Senate. However, he and the administration he represented have made it extremely awkward for the Senate to turn down this secretly negotiated treaty that suddenly sprang into existence after so many years of fruitless negotiations with the Russians.

But it is, we insist, a mere scrap of paper. It is no victory for us in the minds of men.

Wasn't it President Kennedy himself who said twice: "Let him who thinks we can do business with the Russians come to Berlin."

Why, so soon, was Mr. Harriman sent to do business with the Russians in Moscow?

With the political and psychological leverage it can command, the administration may achieve this new victory in the Senate. But we dread the thought that the security of this Nation and the free world is commanded by amateurs and political adventurers who have made blunder after blunder after blunder—and that the advice of knowledgeable military men is brushed aside so casually.

Already the sun never sets on the Soviet empire.

NATO AND THE TEST BAN TREATY—OBSERVERS FEAR THE FAILURE OF ALLIANCES WITH THIS AND OTHER ACCOMMODATIONS

(By Constantine Brown)

PARIS.—The nuclear test ban treaty and the inevitable subsequent accommodation steps such as inspection teams to prevent surprise attacks and the adoption of a slightly modified Rapacki plan continue to worry political circles in Bonn and Paris.

French sources close to the Elysee Palace intimate that the troubled internal conditions in the United States, coupled with our external difficulties, may have been the main reason which decided President Kennedy to yield to the advice of his advisers. These men firmly believe that coexistence with Russia—even on her own terms—is the only expedient solution for our present-day ills. Hence the signing of the Moscow Treaty without any quid pro quo from the Soviets and the likelihood that the next steps toward accommodation will follow suit.

"America is just not in a position to fight under existing conditions," said one of the French Elysee consultants. "As a consequence of your debilitated condition," he continued, "the Russian general staff has already won a spectacular victory which renders the NATO powerless."

He went on to trace the history of the Russian strategy since the end of World War II and the beginning of the cold war: "Even after the Soviets managed to explode the A- and H-bombs; even after they created a formidable nuclear force of their own (which in the opinion of the French specialists still does not match that of the United States), the Russian general staff from Zhukov to Malinovsky have been against a nuclear war."

These capable military men want to fight a war for gains and there can be no gain in a total destruction of the enemy as well as their own countries. The Soviet marshals have helped the Kremlin, and in particular, the shrewd and capable, rough diplomat, Khrushchev, in waging a campaign of ter-

1963

CONGRESSIONAL RECORD — SENATE

15773

ror in the free world. They have especially concentrated on the United States and Britain in the hope that their people would become sufficiently frightened to eventually accept the banning of all nuclear weapons. Once this is achieved, so the thinking here goes, Russia will become the foremost military power in the world because she will possess the greatest conventional force.

The power of the NATO—the shield of freedom as we like to describe it—has always rested on the American nuclear deterrent, not on its ground and conventional air forces. Its power rests on keeping the Russians guessing whether we shall use our nuclear deterrent in, say, a coup against Berlin. According to French intelligence, the Kremlin has now acquired the positive knowledge that America's ultimate weapon won't be used unless there is a major Soviet nuclear attack against United States territory.

Under these conditions, the power of NATO is almost laughable. The watch on the Rhine is composed of six American divisions, nine German, two understrength British, two equally understrength French and a couple of miscellaneous Benelux, Danish and Norwegian divisions. The Italian, Greek, and Turkish armies which are counted among the NATO forces have specially assigned roles. They will join the battle only if the Mediterranean sector becomes involved.

Against this force between the Elbe and the Rhine the Russians have in East Germany alone 20 divisions with 4,000 tanks. The other satellites have a minimum of 60 divisions. And behind them at close quarters from the Russian border to the Ural mountains there are 147 battle-ready divisions.

How long, ask the French, could the NATO armies resist that formidable conventional force of the potential enemy even if we assume that the air forces of the two antagonists are about equal in quantity and quality? Granted that the Western forces are splendidly trained and equipped, how long could they resist such an avalanche?

The day has arrived when the Russian general staff knows positively that America's deterrent will not be used to protect Europe and the NATO has become a thin paper shield.

Yet, informed Frenchmen add, it is hard to see how America can move to another path than it has taken since the Cuban affair when it gained a short-lived victory. All the alliances which had been formulated since the end of the war to arrest the onward march of international communism at huge expense to the American taxpayer are now falling by the wayside. And the present accommodation policies of the administration are accelerating their disintegration.

[From the Aiken Standard & Review, Sept. 3, 1963]

HELP YOUR SENATOR

With the Treaty of Moscow successfully rammed through the Senate Foreign Relations Committee for the consideration of the Senate as a whole, Chairman FULBRIGHT has said: "There is no disposition to rush this."

We hope the chairman is right and that all 100 Senators—which includes those who moved it out of the committee room onto the floor—will deliberate the points on which it is most suspect:

1. That the Reds (who have no constitutional obligation to respect treaties and a record of violating 50 out of 52 U.S. agreements) are eager for it.

2. That our top military advisers are not.

3. That its language is so foggy that the Secretary of State has had to explain to the committee that it does so permit us to defend ourselves with our nuclear weapons.

4. That it clearly and specifically constitutes step 1 of stage 1 of the 3-stage program for general and complete disarmament

in a peaceful world as spelled out in Department of State Publication 7277 (presented calls for the abandonment of our Army, Navy and released September 1961) and which to the 16th General Assembly of the U.N. and Air Force to a "U.N. Peace Force."

5. That, contrary to tradition, and with scant respect for representative government, the signatures of some 70 nations were affixed to this document—obviously to give it fraudulent weight—before being presented to the Senate by whose "advice and consent" alone it can become an instrument of state.

Nor should the Senators forget the words of President Kennedy in November 1961 on our betrayal by the Russians in the first agreement to stop nuclear testing. He said "If they fooled us once, it is their fault, and if they fool us twice, it is our fault."

But the Senators themselves need and desperately want advice and consent—from their constituents; collectively, from the Nation. And those who withhold it now, in these final fateful hours, must feel the added pangs of conscience if they are called upon to share the consequences of that dreadful and tragic mistake that Dr. Edward Teller has warned us of.

THE TEST BAN TREATY
(By Robert Morris)

The hearings before the joint Senate committees on the test ban treaty have ended after the appearance of 44 witnesses. I happened to be the last one of these. With the hearings over, the scene now shifts to the Senate floor. It is the consensus in Washington that unless the people are heard from to the contrary, the treaty will be ratified by a clear margin.

The turning point in the hearings proved to be the testimony of the Joint Chiefs of Staff that they could reconcile the treaty with national security on condition that certain safeguards such as "comprehensive and aggressive underground testing to the limit of the treaty" and a standby apparatus prepared to test in the atmosphere if necessary, be implemented. They earlier had opposed this treaty. The warning of Dr. Edward Teller, General Thomas S. Power, Nathan F. Twining and Admiral Arleigh Burke could not offset the testimony of the Joint Chiefs of Staff, during the hearings.

This test ban treaty is expressly made a first step toward "an agreement on general and complete disarmament." The preamble makes the point that the "principal aim" of the signatories is "disarmament." Moreover the outline of the treaty we have put on the table at Geneva specifically provides that the test ban treaty become an "annex" of that treaty when signed.

I believe that these safeguards will gradually be frittered away in the spirit of the U.N. and in the spirit of the disarmament negotiations that will now be commencing. That is the record of our performance in the past. The Communists are working on the assumption that, with disarmament, we will not be able to resist their "national liberation struggle."

The Soviets have a clearcut lead over us in high-yield testing. They now have time to translate their scientific discoveries from those tests into lethal weapons and carriers. We also know they will test again when they are ready. That probably will not be until after the 1964 election.

Much will be made in the weeks ahead of the so-called reservations. The treaty itself is clear. It outlaws "any nuclear weapon test explosion, or any other nuclear explosion" except underground when the nuclear explosions do not send radioactive debris outside one's borders. The President, moreover, in transmitting the treaty to the Senate, said that "this treaty is the whole agreement . . . the treaty speaks for itself."

The State Department contends that "any other nuclear explosion" does not mean any

detonation on behalf of an ally attacked or in our own self-defense. This interpretation goes against the clear wording of the agreement. There is nothing in international law to support a contention that the rule of construction of a treaty is any different in this respect than the rule of construction of a statute or any legal document, namely if a document is clear on its face, recourse may not be had to any other source.

The State Department justifies its interpretation by consulting the minutes of discussions during the negotiations to justify its position. But then it does not make these available in their entirety to the Senate. It also comes up with the conclusion that detonations for peaceful purposes, such as canal building are proscribed.

A reservation on the part of the Senate is a unilateral act. Other nations have signed on the basis of a clearly worded treaty. This "reservation" is being considered to obviate renegotiation. By that very fact it is begging the central issue—the meeting of minds.

The other serious development stems from the wording of the preamble which says that "the principal aim" of the signatories (including the United States) is disarmament. When a treaty is ratified, according to article VI of our Constitution it becomes "the supreme law of the land" coequal with the Constitution.

What does the ratification of this principal aim "of disarmament" do to the law of our land? Does it provide authority for legal action not now authorized by the Constitution? Does it set the stage for executive action by the President to implement congressional grant of authority covering "disarmament"?

All in all, I firmly believe this treaty is fraught with dangers to our security and to our Constitution.

[From the Columbia Record, Sept. 5, 1963]

STRAUSS LISTS TRAPS IN NUCLEAR TEST BAN TREATY—FORMER AEC HEAD: "WE'RE WALKING INTO THEM"

(NOTE.—Being in a minority is nothing new for Adm. Lewis L. Strauss, former chairman of the Atomic Energy Commission and Secretary of Commerce. He was in the minority in 1945 when he urged that atomic bombs should not be dropped without warning on Japanese cities; in 1947 when he insisted on establishing a monitor system to see if the Soviets were testing nuclear weapons; in 1949 when he warned that unless we developed a hydrogen bomb the Soviets might do so first; in 1958 when he told the Senate that the Russians would probably violate a test ban moratorium. His past record of being in a minority that turned out to be right entitles his present views on a test ban treaty to a careful hearing by all Americans.)

(By Lewis L. Strauss)

WASHINGTON.—From time to time in the past, it has been said that the ultimate in nuclear weapons had been invented and nothing more could be expected to accrue from further research and test. The realities, however, have been otherwise.

Since 1948, testing has continually supplied military requirements for weapons of both far greater power and of substantially less power than the prototype atomic bombs of World War II. Also, as a result of testing, we now have weapons of more certain deliverability because of the decrease in size and weight; specialized weapons for specific military uses; a variety of tactical weapons; and weapons with dramatically reduced radioactive fallout.

In fact, with further testing, we are assured that fallout may be further reduced to something approaching zero.

At one time or another many of these advances were believed impossible. It was once said that the thermonuclear weapon, even if it could be built, could be gotten to

15774

CONGRESSIONAL RECORD — SENATE

September 10

a target only by oxcart. At that time, I was one of a small minority which included Dr. Edward Teller, the late Karl T. Compton, the late Dr. Ernest O. Lawrence, a Nobel Prize winner, and the late Gordon Dean, subsequently Chairman of the Atomic Energy Commission. We believed the contrary and contended against great odds because of our conviction that world freedom would be forfeited if the Communist government perfected such a weapon before we did.

I wished with all my heart that the oxcart forecast would prove to be right and the hydrogen bomb impossible to make. It became a reality.

NO END

It was once said that the idea of a "clean" bomb—the nuclear weapon with reduced fallout and therefore with vast engineering potential for peace—was nonsense. But it, also, became a reality. The point is that weapons have undergone great changes that could not be demonstrated without tests. Without tests, they could not have been put into manufacture and added to our arsenals. There is no end to invention, and we have no monopoly on ingenuity.

There are other purposes in testing besides the specialization and improvement of weapons. We test to be sure that the weapon and its carrier will function together as a dependable system. Even if weapon development should be frozen in its present state, the carrier of the weapon most probably will be as revolutionary in the future as the guided missile and the Polaris submarine are today by comparison with the state of military art only 10 short years ago when neither of these existed.

When new devices are invented, they can only be dependably mated to the weapon by testing.

The coming months should also see marked development in antimissile systems so critical to our defense. These, to be dependable, can only be tested in the atmosphere.

RUSSIANS AHEAD

There are other reasons for conducting tests such as to determine the effects of very large enemy weapons on our Military Installations, on shelters for our civilian population, and on our communication system. The Soviets appear to be ahead of us in the area of large explosions. Without this knowledge, we will be operating in the dark should another war occur.

It has been asserted that we have maintained the nuclear superiority to the Soviets which we so clearly enjoyed prior to 1961 and there are other assertions to the contrary, particularly in respect of unit weapon power. I can throw no light on this difference, and it may be that an unequivocal comparison is not possible for anyone to make.

But of this we may be certain—

Inventiveness has not ceased and today's weapons are not as important as tomorrow's. Neither American scientists nor Russian scientists are likely to leave off thinking about the subject. The inevitable result of thinking about it is that new ideas for both weapons and countermeasures are sure to be born. Some of these new ideas may be proved by tests underground. Some will not be.

A radical new weapon breakthrough or a discovery in counter-measure systems, suddenly tested and found to work, could put the possessor nation in command of world events. We ourselves were twice in that position, first with our invention of the fission bomb and later of the fusion bomb. Of course, we never considered making such use of our advantage.

ONE TEST

But what if, in the future, the situation is reversed, as well it may be? For instance, it has been said that the Soviets might elect

cheating with a single small atmospheric test which could even escape detection but that one test alone would not be of much significance. This statement, unfortunately, will not stand up in the light of history.

Only one test proved the atomic bomb and only one test proved the principle of the H bomb. If such a radical invention is made on our side of the Iron Curtain, provable only by testing it above ground, the test ban treaty firmly shackles our hands. Thus paralyzed to act, we can only file the idea away in a safe and pray fervently that the same invention will not occur to scientists on the other side of the Iron Curtain. Unfortunately, the well-recognized phenomenon of simultaneous invention may operate, against us.

If the breakthrough is made on the other side of the Iron Curtain, is there anything upon which to base an estimate of the consequences? Would the Soviets in that circumstance, or other circumstances favorable to them, clandestinely breach the treaty? There are some criteria upon which to form a judgment. It is not even necessary to refer to more than the 50 treaty violations in the past, often explained away as the actions of a Soviet regime which no longer exists.

SCIENTIST'S SHAME

Only 4 years ago, a distinguished scientist, who was a principal advisor to our team negotiating a test ban with the Russians, publicly stated that it fell to him to imply to the Russian scientists that we considered them capable of cheating. He wrote that he felt deeply embarrassed and thought they would have been justified if they had "considered this an insult and had walked out of the negotiations in disgust."

The Russian scientists for whose sensitivity our scientist had so admirable a regard were not so thin-skinned. At that very time they must have been engaged in massive preparations for cheating on a massive scale. In barely 12 months after his words were written, they staged a series of tests which, for number and size of weapons, astonished the world.

This "contemptuous" breach of faith, to use President Kennedy's appropriate adjective, seems already forgotten by many Americans. It took place 2 years ago, and we can shorten the focus still further.

Committing the good faith of his government to the test ban treaty, we find the name signed to it for the Soviet Government is that of the foreign minister, Mr. Gromyko. Less than 10 months ago, this same official, representing the same government, sat in the White House with our President and gave him other solemn assurances on behalf of his principal and his government.

Shortly afterward, on the night of October 22—less than 10 months ago—while a shocked Nation listened, the President, in tones of justified outrage, described the barefaced deceit to which he had been subjected. Twice in quoting Mr. Gromyko, the President interrupted his narrative to say, "that statement was also false."

CREDIBILITY

It is an interesting commentary on our times that we negotiate with a man who conducted himself in this manner toward our Chief Executive. However, since this is apparently standard procedure for the Soviet Government, the American people have a right to ask what our negotiators now feel endows this latest Soviet commitment with instant credibility.

Those who see a fundamental change in Soviet policy because of the differences which seem to have developed between the Russian and Chinese dictatorships might examine with profit photographs recently published showing the ardent embraces exchanged in Belgrade between Mr. Khrushchev and Marshal Tito. Their recent bitter ideological dif-

ferences have apparently evaporated. Mr. Khrushchev and Mr. Mao Tse-tung could become, comrades again well before we ever knew of it. At any rate, their differences today are a shaky foundation for our confidence in the word of the Soviet Government.

In describing the treaty, several statements have been made to the effect that it is identical with a proposal made by President Eisenhower in 1959. Although the statements were undoubtedly made in good faith, President Eisenhower has pointed out their fundamental error. In 1959, we had reasonable evidence that we were well ahead of the Soviets in our nuclear armament. The Russian test program with which they surprised the world in 1961 altered that condition, and the situation today is not a parallel of that which prevailed when President Eisenhower's proposal was made. That is one of the two reasons why the treaty and his proposal cannot be represented as one and the same.

CURIOUS WORDS

More importantly, there was nothing in the Eisenhower proposal which would have prevented us from using tactical nuclear weapons to aid our allies or other free nations, if we elected to do so, in the event that they became the victims of Communist attack. As reported in the press, the text of article I of the proposed treaty reads: "Each of the parties to this treaty undertakes to prohibit, to prevent and not to carry out any nuclear weapon test explosion." And then comes these puzzling words, "or any other nuclear explosion at any place under its jurisdiction or control."

What these last 13 words are intended to accomplish is obscure. If they mean what they say, then should any of our NATO allies be attacked, or if, for instance, India should be invaded by Communist China, or Korea again invaded by the Reds, we will not be able to send to their aid any tactical nuclear weapons since, to do so, would be to permit or produce "other nuclear explosions." We could, of course, decide to withdraw from the treaty but only after giving 3 months' notice in advance. In terms of modern warfare, this would be far too late. This part of the treaty is an effective manacle upon our aid in time of crisis.

We have been told that this clause does not, in fact, mean what it appears to say and that a reservation to clear up this ambiguity will be unacceptable to the Soviets and that the treaty, in consequence, will be wrecked. The Eisenhower proposal was not designed to prevent us from coming to the aid of our allies, and it is not proper to equate his proposal of 1959 with the present treaty.

ANOTHER FALLACY

There is another fallacy connected with the advocacy of the treaty. It is the statement that it will prevent the spread of nuclear weapons to other nations. This is an area of opinion which cannot be affirmatively supported, but it is not explained how the existence of the treaty will in the least inhibit the intent of China to secure atomic bombs. It is, of course, beyond the capability of the great majority of the nations which are now signatories to the treaty.

Early ratification of the treaty now appears probable on the premise that it is in the public interest on balance—a value judgment, insupportable by proof, and with which I wish that I could see my way to agree. I am concerned as a private citizen that there are risks to our country which the present Joint Chiefs of Staff and other treaty advocates concede to exist and which some former members of the joint chiefs, among them Admiral Radford, General Twining, and Admiral Burke, regard as unacceptable risks. To reduce these risks as far as possible, witnesses have proposed various reservations which the Senate might make and which do not require rejection of the treaty.

TWO RESERVATIONS

One of these reservations is to the effect that we should preserve the right to construct harbors, canals, and other peaceful works by the use of nuclear explosives, either within our own territory or on the territory of friendly nations requesting or permitting such peaceful applications of nuclear engineering.

Another and more important reservation offered by General Eisenhower would provide that in the event of any armed aggression endangering a vital interest of the United States, this Nation would be the sole judge of the kind and type of weaponry and equipment it would employ, as well as the timing of their use.

In conclusion, may I note that, because civilized man abhors war, he is attracted by any apparently reasonable proposal that bears the label of peace. Too often, however, and recognized too late, a pact hailed by a hopeful majority as signaling peace in our time actually turns out to be a first step on the path to disaster. Since the birth of our Nation, it has been our strength, which has preserved our freedom. As far as one can see ahead, our strength is our most dependable, if not our only, assurance of peace.

[From the Augusta (Ga.) Chronicle, Sept. 9, 1963]

THE ISSUE IS U.S. SECURITY

Senator RICHARD B. RUSSELL has placed the nuclear test ban issue back in proper perspective.

Before the test ban treaty was negotiated in Moscow in July, America's Joint Chiefs of Staff voiced their opposition to such a pact on military grounds. A treaty would not serve America's best interests, they said, because it would subject our national defense to unnecessary risks.

While the treaty was being negotiated and immediately after it was signed, other Americans well versed in the requirements of our defense structure and the status of the arms race came forth to oppose the treaty for security reasons. Imposing testimony was offered to support the view that the U.S. Senate should reject the treaty because of the military disadvantages it holds for the free world.

But then proponents of the treaty succeeded in shifting the spotlight away from military aspects of the pact. They hammered away at the diplomatic and political implications of the forthcoming Senate vote.

A public opinion poll taken in the wake of ebullient international spirits at the time of the treaty signing was produced to "prove" that 73 percent of the American people favored Senate ratification. Treaty advocates forecast reelection trouble for any Senator who voted against the treaty and dire international consequences for the United States, if the Senate failed to approve it.

Even the Joint Chiefs of Staff were persuaded to place political considerations ahead of military risks in their testimony before Senate committees. As a result, they gave their qualified approval to ratification, although one of them—Air Force Gen. Curtis LeMay—made it clear he would not have sanctioned the treaty before it was signed.

With most of the emphasis centered on international and domestic politics, the treaty appeared headed for smooth sailing through the Senate.

But now comes Senator RUSSELL, with an assist from Senator JOHN STENNIS, of Mississippi, and Senator STROM THURMOND, of South Carolina, to get the test ban debate back on the track.

Speaking as the unquestioned leading Senate authority on national defense, the eminent Georgian has declared:

"I have studied this matter as carefully as I could and concluded that, in good conscience, I cannot support the treaty."

STENNIS and THURMOND, two other members of RUSSELL's Armed Services Committee, also formally announced their opposition to the treaty on the eve of the Senate floor debate, which begins today.

STENNIS, in a short floor speech, cited the "serious and formidable" treaty. RUSSELL said he would wait until this week to disclose his reasons in a detailed Senate speech, but he made it clear that national security is the basis for his opposition.

The Nation owes a debt of gratitude to RUSSELL for restoring the vital defense considerations to their proper place of prominence. Even as he announced his opposition—which automatically changed the voting outlook considerably, RUSSELL conceded that treaty proponents probably have enough votes committed to insure ratification of the pact.

Whether they have or haven't, the Georgian has clarified what should be the paramount issue at stake. If as many as 33 Senators are not willing to join him in defeating the treaty when the vote comes, it will be because they placed political considerations ahead of maximum national security.

[From the Augusta (Ga.) Chronicle, Sept. 7, 1963]

WILL THE SENATE YIELD?

Senator HUBERT HUMPHREY advances as one of the principal reasons for the Senate to support the proposed nuclear test ban treaty the argument that if it were not in our national interest "our Government would not have worked for and then signed" it.

This reasoning by the liberal Democrat from Minnesota attributes to the White House and the State Department an omniscience which we doubt they deserve. But more importantly, it obviates the historic "advise and consent" role of the Senate in matters brought before it by the executive branch of the Government.

It presupposes that any treaty offered on any subject and with any nation is a flawless document and a consummate instrument and is to be blindly rubber-stamped by Members of the Senate.

To accept that premise is to negate that portion of the Constitution which gives to the Senate the responsibility and obligation to scrutinize all treaties negotiated in behalf of the United States, and to turn down any that it might feel is not in the national interest.

HUMPHREY's argument on this point is as specious, incidentally, as is another he advances. He claims it should be adopted because a poll has shown that the treaty is supported by 73 percent of the American people.

A cogent point raised by Senator BARRY GOLDWATER in one of his statements answered that latter claim, so far as we are concerned.

The first week after the treaty was initiated in Moscow, said the Arizonan, a distinct volume of mail coming to the Senate favored the treaty proposal. As he said, that was natural. The negotiators, the President, Premier Khrushchev, all were pictured in such high spirits over the treaty. That spirit, said GOLDWATER, was contagious.

Last week, however, he said, another check of mail showed that support for the treaty was dwindling throughout the Nation.

We suspect a more current poll of people would show the same results.

In fact, a national poll most likely would, in our opinion, reflect strong support for GOLDWATER's suggestion that the United States require Russia to remove its troops from Cuba as a condition of the test ban treaty.

Admittedly, this should have been written

into the treaty before it was initiated in Moscow, a suggestion which the Chronicle itself made at the time. That is wasn't, however, doesn't mean that the United States must always ignore its own self-interests, nor is the time too late now.

That many Americans seem willing to find fault with the proposal that this country place its welfare in the balance in its negotiations with the deceitful Soviet Union smacks of a timidity and a naivete ill befitting a nation of our strength and integrity.

[From the Economic Council Letter, Sept. 1 1963]

RUSSIAN ROULETTE

The Moscow Treaty, for cessation of nuclear testing, except underwater, is the first step in implementing the program for total disarmament usually referred to as 7277.

This program was approved in essence by President Kennedy before the U.N. Assembly in 1961. The detailed agreement for disarmament in three stages was submitted to the United Nations the same day by the U.S. Government as the official document recording the terms of the agreement accepted by our Government and the Soviet Union. It may, as we said recently, have the legal status of an executive agreement and therefore be part of the Constitution. The purpose of the present treaty then would be to get the Senate's approval on record.

On June 1 of this year we reported to you, in Council Letter 512, that some major agreement was in the offing between the Soviet Government and ours, with the climax set probably for a meeting in Rome between President Kennedy and Premier Khrushchev. The death of the Pope made that timing impossible. But Mr. Harriman was immediately dispatched to Moscow and the Treaty of Moscow was brought forth.

Debate on this test ban treaty may be the most important debate ever held in the U.S. Senate.

DISSENTING OPINION

The executive branch today has an army of experts, political, military, scientific, virtually all of whom can be brought forward to testify that this treaty is a giant step toward peace. More important even, the American executive branch has over the last 30 years been transformed, from a loose representative structure, mirroring as many shades of opinion as there were in the country, to a tight monolithic structure, under which it is nearly impossible for dissenting opinions to reach the public. This control extends in fact to private firms dependent on Government contracts, and to university experts dependent upon Government subsidies for research. Near unanimity in favor of the treaty is therefore to be expected. The least expression of dissent is highly significant.

Hearings are being held before the Senate Foreign Relations Committee, whose chairman, Senator FULBRIGHT (Democrat of Arkansas), is wholly committed to the philosophy of coexistence on which the treaty rests. The Senate Armed Services Committee and the Atomic Energy Committee were persuaded to hold joint hearings with Foreign Relations, under the chairmanship of FULBRIGHT. These committees allotted 3 weeks for hearings, 2 weeks for supporters and a third week (the week of the civil rights march) for opponents. One Congressman who asked for an hour to present his objections was told that the limit was 10 minutes, but as a matter of congressional courtesy he could have 15 minutes.

Impressive military and technical testimony is now coming out against the treaty, even from Government experts. Gen. Curtis E. LeMay, Air Force Chief of Staff, said that militarily he saw a great disadvantage but politically a net advantage. LeMay said Sec-

15776

retary McNamara had never consulted him—the Air Force Chief of Staff—on the treaty.

Air Force Gen. Thomas S. Powers, Chief of the Strategic Air Command, said the test ban treaty was not in the best interests of the United States. He did not have confidence that the United States would maintain its nuclear superiority if the treaty were signed, and our nuclear superiority was, he believed, "the only present deterrent to war."

All honor to General Powers and General LeMay. It takes almost unbelievable courage for any individual in high office to obey his conscience and take a stand against the Government monolith.

We call your attention to the fact that General LeMay was not appointed Air Chief for a full term, but only for 1 year. It is reported that Adm. George Anderson, former Chief of Naval Operations, was not re-appointed because he was opposed to the test ban treaty. We will watch with interest to see how long it is before General Powers is promoted from command of SAC to some job which has prestige but no defense responsibilities.

If Congress served no other purpose, it would be a priceless safeguard for our country, because it delays and makes more difficult the punishment of Government officials who think they should tell the American people the dangerous truth.

The honor roll of good public servants must also include Dr. Teller, famous expert in nuclear science, who said the treaty would be a dreadful and tragic mistake for the United States. We wish we could name all the men of honor who are trying to give the American people their best judgment on these difficult matters.

THE POLITICAL ISSUE

We shall confine our analysis to one area which we think is least likely to be examined—the political. Our concern is this: Is the test ban treaty a complete package, to be judged in itself, or is it an innocent-appearing part in a carefully designed long-range plan for ends about which we are not told? We are certain the Senators will carefully examine the words of the treaty itself, but we are not so hopeful they will examine this treaty as a critical link in a much larger, more ambitious design for shaping American foreign and military policies. We shall try to define the questions, if not the answers.

If, as we believe, this treaty is only part of a grand design, then the other parts of it are already prepared and ready for adoption at a predetermined pace.

The architects of this grand design have really been quite frank about the next steps. It is obvious that this test ban treaty will be followed first by the successive steps listed in the United States-U.S.S.R. agreement, or 7277. These include further abandonment of military bases, demobilizing of missile-carrying equipment (the Strategic Air Command?), reduction of military training, and abolition of West Point, Annapolis, and the Air Force Academy.

We do not believe our Armed Forces are going to be seriously reduced. The services will be transformed into a gigantic peace corps to teach industrial and farming skills to underdeveloped nations. The Peace Corps idea is no naive one. Defense budgets will be cut only slightly because most of the funds will be spent in a greatly enlarged program for helping backward nations. Incredible as it sounds, we confidently predict we shall before long be engaged in a vast undertaking for aid to Red China, probably on the theory that that will soften Red China's rulers and make them willing to accept a ban on atomic war. What a strategic leap forward for Soviet military power.

THE WARSAW PACT

Another spoke in the wheel of which this treaty is an innocent-appearing part is the Warsaw Pact. That is the nonaggression

treaty between the Communist States and the NATO countries. Note that such a pact is a commitment by the United States to the present deadly division which runs through the heart of Europe, including the Berlin wall. The new treaty will sanctify the Soviet conquest of the captive nations and end forever any chance for reunification of Germany.

On the Asian side, the same end as the Warsaw Pact will be achieved by cutting down military aid to anti-Communist nations, like free China and free Korea, and then making them into an atom-free or demilitarized zone. There is an air of contrived theatrical effects even in the troubles of Vietnam.

Warsaw Pact demilitarized zones—at our expense—have long been the policy of the leftists in England. They have been put forward subtly at many conferences by American delegates, but the time was not ripe. The minds of the American people had not been softened up enough. But we are getting nearer.

There has been much talk of why Khrushchev finally agreed to this treaty. Khrushchev has been for disarmament for years. The Soviet economy cannot stand the cost of keeping up with American defense spending. Khrushchev wishes to use that money for economic advancement. He knows he cannot "bury" us until his economy makes a better showing.

In addition, Khrushchev had two other aims. Soviet policies in Europe have been directed to keeping a grip on the captive nations and preventing the rearming of Germany with modern, especially nuclear, weapons. They have succeeded in both aims, but Western Europe is getting restless, as it gets more powerful. It must be checkmated before it knows its strength.

The Soviet quarrel with Red China has all the appearance of a Moscow Art Theater production. Khrushchev is not going to fight China. He would prefer to let us do it. One important suggestion, made by Philip Horton of the Reporter, is that the Soviet leaders wish to weaken Mao's regime so that they can replace it with a Communist leadership under strict Soviet control.

BLUEPRINT FOR SURRENDER

A curious effort is being made to blame the Kennedy administration for the test ban treaty. Why? Is this another red herring, the deadliest weapon of those who would destroy us?

The policy implicit in the Moscow treaty is the policy which has dominated our military and political decisions over many years.

This treaty must be considered in connection with other military policies with which it is interwoven. These include the abandonment of Nike-Zeus, the TFX plane contracts, abandonment of our overseas bases, gradual abandonment of manned bombers, the no-win policy in troop indoctrination, and many others. We should also include the President's curious statement that we cannot achieve an antimissile missile, no matter how much we test.

In this connection it is useful to read an article by Earl Ubell and Stuart H. Loory in the Saturday Evening Post for June 1, 1963, on how Secretary McNamara did away with the Nike-Zeus missile.

It is the fashion of the moment to tie these developments to the conference in Moscow at the end of 1960, when W. W. Rostow and Jerome Wiesner represented incoming President Kennedy. We apparently agreed to end the use of provocative weapons because they made the Communist leaders nervous.

We do not believe either of these men were principals or that the program of softening up our defenses originated with them. So subtle and effective a policy for the loss of American freedom was contrived by men with

far more ability than they, over a much longer period.

President Eisenhower had an excellent Secretary of Defense in Charles Wilson, perhaps the ablest man in the world on the industrial side of war preparation. He also had a brilliant Chairman of the Joint Chiefs of Staff in Admiral Radford. As a former military man, Eisenhower had many friends who could reach him outside of official channels and let him know what was going on. Nevertheless major steps were taken in the reduction of American military dependence on strength. The long-term policy of giving State Department officials top responsibility over the military professionals on military decisions went forward rapidly. State Department types moved into top positions in the highly centralized Defense Department and exerted their influence through financial, legal, and other cobwebs.

Parallel steps in weakening our military independence were the atoms-for-peace program urged by Senator HUMPHREY and the ADA, the invitation to Khrushchev to visit the United States, the synthetic spirit of Camp David, the furor over the U-2 incident, and the craven advice to the President to give up a state visit to Japan because of Communist riots in Tokyo.

To these we might add the settlement of the fighting in Korea in such a way as to free the Communists to attack southeast Asia, the partition of Vietnam (moving the Communist frontier nearer to the free world), and the mutual defense treaty, barring free China from moving back onto the mainland without the consent of the Security Council. More disastrous was the decision to pretend Castro was not a Communist though his record was well known, and insist that the dictatorship of aging Batista, who supported us at the U.N. was more immoral and dangerous than the dictatorship of a ruthless Communist supported by Soviet power.

We should add to this list the destruction of Senator Joseph McCarthy with the help of our Government. Remember that Senator McCarthy had moved from his exposures of communism in the State Department to the horrified discovery that influences were powerful enough in the Defense Department to promote Dr. Peress and protect subversion at Fort Monmouth.

The same story runs through the Truman administration, beginning with the dismissal of the highest American military officer in the Pacific, in the midst of a war, because he wanted to fight the Communist Chinese.

There are many more examples. To sum up, the present pattern of American military policy, as illustrated today by the recommendations of Wiesner and Rostow, McNamara and Yarmolinsky, is not new. It is a continuation and fulfillment of the military policies followed under President Truman and in fact growing ever more powerful under President Eisenhower.

These apparently separate but closely interwoven threads are the same as the foreign policies carried on, behind the presidential facade, during all postwar administrations.

In other words, all of these foreign and military moves could be summed up as the Yalta program, or even better, the Teheran program, for peaceful coexistence. Under various aspects the design includes getting the American Nation tightly locked into world government, with a world military force stronger than that of any national state, world law, world government jurisdiction over the individual, world powers of taxation, and world control of the economy.

The institutions of the United States and the Soviet Union are to be gradually modified so they will look and function more and more alike while we are persuaded by people-to-people programs that the Soviet people—left alone—would not choose war. This is what Khrushchev means when he said he will "bury" us.

1963

THE TURN TO LIBERTY

Those people should support the treaty who like the curious policies our Government has followed since Yalta and who like the policies projected for the immediate future. Those people who do not like the blueprint for coexistence should oppose the treaty or insist on amendments based on the principles of the Atlantic Charter.

We propose one such amendment. American interests can best be served, by an amendment providing that before the treaty goes into effect, the Soviet Union grant free elections in all captive nations on the question whether they are for or against national independence free from Soviet or Iron Curtain military occupation. These votes will be conducted by the U.N. in the presence of the press of the world. In East Germany the question should be for or against reunification with West Germany.

President Roosevelt, President Truman, Republicans in Congress, and many of our distinguished men have said that the United States could never make an agreement with U.S.S.R. until the captive nations were free. Today we must add Cuba to the captive nations.

Some better amendments may be offered in the Senate, but this proposal will keep open the debate on our security as a nation.

Thirty-four Senators can save our country from disintegration. It will be a political miracle if the American people can arouse themselves and tell the Members of the Senate they will tolerate no surrender of American self-defense.

It will be a miracle. But we believe in miracles.

TEN REASONS TO OPPOSE TREATY

To the Editor:

In regards to the test ban treaty now pending in Washington, D.C., I would like to say that I along with a lot of other people would like very much to have peace but not on Russian terms.

When Russia takes down the German wall and gives her slaves freedom, pulls out of Cuba and allows those people to elect their own leaders, get rid of Khrushchev, give up Poland, Hungary and Czechoslovakia, etc; etc; then we could believe Russia really desired peace and it would be time for our leaders to start having peace talks with Russia.

However, nothing has changed; Russia is still the same with the same murderers who are dictators who are bent on world domination. Because of this and the following reasons I am bitterly opposed to the test ban treaty, which Khrushchev is so anxious to get passed.

1. Any treaty with Russia is not worth the paper that it is written on and can only do one thing—allow the Russians to arm and test while we stand still. The Russians have broken 50 out of 53 treaties and will surely break the other 3 when it is to their interest to do so. Remember the Russians had a test ban treaty with President Eisenhower. They broke that agreement and will also break this one. This treaty will further the Russians' ambition at our expense.

2. This agreement was not legally and properly brought about. It was written and signed before bringing it before our Senate. This automatically prevents our law body from changing any part of it, which is not in the best interest of the United States. It is a Russian course all the way.

3. Approving this treaty is like giving someone a filled out and signed check except for the amount, because I understand after we have signed this agreement and if it is passed then the majority of the nations, who have signed the treaty, can change it. Then we will still be obligated to abide by this change without the approval of the Senate and Congress. This is like buying something in a paper bag.

4. In the past each time we have met, talked or made agreements with Russia they have gained something and we have lost and experience has proved that when they are anxious for something it is the best sign that I know of that it is not good for us.

5. I am far more afraid of a sellout than I am a fallout.

6. How can you possibly do honorable business with dishonorable people such as gangsters, blackmailers, saboteurs, or people whose main ambition is to destroy you? It is suicide to try.

7. In my opinion no one in his right mind can be for this treaty and still be a patriotic American.

8. I am bitterly opposed to the campaign of pressure and fear being used by those who are wishing to pass this agreement. President Kennedy in his inaugural address said "Let us never negotiate out of fear"; now he is asking us to do just that.

9. Our Congress and Senate were not given the chance to participate in drawing up this agreement.

10. Russia could go ahead with her testing in China or some other Communist country which had not signed the treaty and say that she had nothing to do with it.

Approving this test ban treaty could go a long way in helping the downfall of the United States. People who give up their freedom for peace no longer have either.

An old-fashioned American,

PAUL D. CONRAD, Sr.

[From the Manion Forum, Sept. 1, 1963]

THE TEST BAN TREATY: A COVENANT WITH DEATH AND AN AGREEMENT WITH HELL

(By Dean Clarence E. Manion)

President Kennedy says that the test ban treaty is a step toward peace. The eminent scientist, Dr. Edward Teller, father of the hydrogen bomb, calls it a step toward war. Over this microphone a few weeks ago, the distinguished military strategist, Adm. Chester Ward (Manion Forum broadcast No. 482) declared that the treaty is a plan for the certain destruction of the United States.

These three estimations of the practical effect of the treaty have all been amplified in newspaper reports. You may take your choice. But basically, and aside from its frightening practical implications, the test ban treaty raises an important moral issue, which is being all but completely obscured.

For the moral character of this made-in-Moscow contract we must go back to the prophet Isaiah: "We have made a covenant with death and an agreement with Hell. We have made lies our refuge and under falsehood we have hid ourselves" (Isaiah 28:15).

That, in words spoken 2,700 years ago, is precisely what our diplomatic representatives did at Moscow. That evil deed—over and beyond its practical consequences for peace, war and our national destruction—that is the thing that should disturb us now.

The evil of this treaty with the Communists is the basic evil involved in any agreement with militant activated atheism. Such an agreement on testing or on any other subject, creates moral obligations which we must and will observe because our Government is the end product of a moral climate, and our constitutions and laws are the projections of religious morality—whether we all realize it or not.

But the moral obligations created by this agreement have no meaning for the Communists because communism is, by its open profession and unbroken practice, an unmoral institution that recognizes no obligation except force.

A great many people are scandalized by the fact that the Communists have already broken 50 agreements that we have made with them. This record of Communist faithlessness is frequently cited as the reason why we should make no more agreements

with Communist governments. The conclusion is correct but the reason for it is superficial. The Communists have broken these agreements when it suited their purpose to do so for the reason that being Communists they could not and cannot do otherwise.

Unless he is restrained by some Pavlovian perversion of his nature, a wolf will grab a piece of meat when he is hungry, and by the same token Communists must and will do what is immediately expedient for communism. When Communists cease to do that they are no longer Communists.

No human being in his right mind would hire a hungry wolf to guard his meat because human beings understand the nature of wolves. The fact that we made 50 agreements with Communists and are shocked because they broke them proves simply that we do not understand the nature of Communists and/or the nature of communism. The recent agreement made in Moscow underscores the persistence of that fatal misunderstanding.

Once upon a time our Government officials knew better. Back in 1920, the Italian Ambassador to this country asked our then Secretary of State, Bainbridge Colby, why the United States refused to recognize the Communist Government of Soviet Russia. Mr. Colby's reply is a classical explanation of the impossibility of establishing orderly treaty relationships with Communist governments.

Ask your Senator to get this masterpiece of truth from our State Department and read it into the Record during the debate on ratification of the Moscow Treaty.

Among other things, Secretary of State Colby said this:

"The undisputed facts have convinced the Government of the United States that the existing regime in Russia is based upon the (denial) negation of every principle of honor and good faith and every usage and convention underlying the whole structure of international law; the (denial) negation, in short, of every principle upon which it is possible to base harmonious trustful relations, whether of nations or of individuals.

"The responsible leaders of the (Communist) regime have freely and openly boasted that they are willing to sign agreements and undertakings with foreign powers while not having the slightest intention of observing such undertakings or carrying out such agreements.

"This attitude of dishonoring obligations . . . they base upon the theory that no compact or agreement made with a (non-Communist) government can have any moral force for them. . . . In the view of the Government of the United States there cannot be any common ground upon which it can stand with a power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense."

That was said in 1920. Has the Soviet Government done anything since then to soften that official condemnation? Take a quick look at the record. Here are some highlights: Since 1920 the Communists have stolen our vital military secrets, perverted our public servants, counterfeited our currency, killed or imprisoned our soldiers, and finally, in Paris, Khrushchev publicly insulted the President of the United States to his face.

THE UNITED STATES UNLEASHED THE RED OFFENSIVE 30 YEARS AGO

In the process of violating its solemn agreements with this country and other countries (more than 1,000 violations all told), the Soviet Government has extended the boundaries of its ruthless unmoral and illegitimate control to the point where communism now rules more than 1 billion people. Millions of its most pitiful victims are now in our own hemisphere.

15778

CONGRESSIONAL RECORD — SENATE

September 10

At the moment, the Red conquest is on the offensive everywhere. But the point to remember as you read this record is that the Communists were completely unable to get started on this victory march as long as the United States followed the official policy you have just heard expressed by our Secretary of State Colby in 1920.

Four successive Presidents of the United States adhered to that policy which was first established by Woodrow Wilson. As a result of its continuous enforcement, communism was literally dying on the Kremlin vine in 1933 when President Franklin Roosevelt reversed this Wilson policy and suddenly brought the Red criminal apparatus back to life with official American recognition.

From that day to this the moral, financial, and constitutional integrity of this country has been progressively weakened by the failure of four successive Presidents of the United States to read, understand, and apply the self-evident truth about communism that Secretary of State Colby wrote to the Italian Ambassador 43 years ago.

Presidents Roosevelt, Truman, Eisenhower, and Kennedy—each gambled the future of freedom here, and, therefore, the future of freedom everywhere, on the personal conviction that he could tame and civilize this chronically hungry Kremlin wolf to the point where it would no longer grab whatever meat it could reach.

What is the reason for the precarious state of the world today? That reason is embedded in the fact that since 1932 we have not had a President of the United States whose official actions reflected an understanding of the moral leprosy that is called communism.

There may have been excuses for the naivete of President Franklin Roosevelt in dealing with this deadly political disease. The complete record of Communist perfidy was not available to him in 1933 and, as he frankly told Congressman Martin Dies, "Several of the best friends I have are Communists." ("The Martin Dies Story," p. 144, Bookmailer, Box 101, Murray Hill Station, New York 16, N.Y., \$5.)

It is harder now to find similar excuses for President Kennedy. By his own admission, President Kennedy had more direct experience with Communist perfidy than President Roosevelt had. In a dramatic television speech to the American people last October 22, the President announced that Soviet Foreign Minister Gromyko had lied to him about the presence of Soviet missiles in Cuba.

But the same Gromyko has just initiated the test ban treaty which President Kennedy is urging the Senate to ratify into a binding obligation upon the United States.

Will it be necessary for the President to make another dramatic speech, in October of 1964 perhaps, telling the American people that Mr. Gromyko was lying when he pledged that the Soviet Government would scrupulously observe the new Moscow atom test ban?

What assurance has Mr. Kennedy had since last October that causes him to believe that Gromyko, Khrushchev, and the other Communist functionaries have finally been won over to the side of truth?

Do the Communists still make an official point of the fact that their agreements are as worthless as Secretary Colby said they were in 1920?

Last March, Khrushchev's son-in-law, Alexei Adzhubel, had an audience with the late Pope John. A few days later he was interviewed by reporters in Vienna who asked him if agreements were contemplated between the Kremlin and the Vatican.

Adzhubel denied that he had made any promises to the Pope or that any agreements were to be expected. Said he, "I am an atheist. I could break my word to the Holy Father * * * as an atheist I would not be compelled to keep a promise. * * * There

can never be peaceful coexistence between the Christian religion and our Communist doctrine." (David Lawrence, Buffalo Evening News, Mar. 22, 1963.)

This would seem to bring Secretary Colby's 1920 explanation up to date. That being so, we have made an agreement with Hell which, if ratified, we must observe but which the atheistic Communists will not.

Among other things, the Moscow treaty forbids us to fire a nuclear explosion anywhere under any circumstances except underground, which means, obviously, that in our resistance to Communist aggression henceforth we will not be permitted to use nuclear weapons. Thus, we will have to match the massive Russian and Chinese armies bayonet to bayonet as we did in Korea.

WE ARE NOW ON ROAD TO DISARMAMENT—AND OBLIVION

This Moscow agreement is much more than a test ban. It is a unilateral undertaking by the United States to bring about universal disarmament and to invest the United Nations with sole control of all weapons and military forces in the world, including all of our nuclear laboratories, installations and stockpiles. This is the one inflexible purpose of this administration.

Secretary McNamara has the questionable distinction of being the first Defense Secretary in memory who has concerned himself primarily with the wholesale liquidation of American military striking power. General Bonner Fellers listed McNamara's accomplishments in this respect over this micro-phone last week.

The President has said that the treaty is a first step toward universal disarmament, which he confuses with "peace." He is already taking the second step in the disarmament conference at Geneva where our delegate has just offered to reduce our nuclear stockpile by donations to a pool to be used for peaceful purposes.

We officially offer to give away 60 tons for every 40 tons of nuclear material contributed by the Soviet Union. If there is anything left now of our once vaunted nuclear superiority, this proposed formula should wipe it out in short order.

Commenting upon this proposal, a Chicago Tribune editorial (August 18) says: "We sometimes wonder whether the Kennedy administration is committed to national suicide or whether it is conducting a planned drive into surrender to communism."

The answer is that the Kennedy administration is committed to suicide and surrender. It has made its covenant with death and its agreement with hell for the promise of a world without war in which Mr. U Thant will keep universal peace, using American soldiers who will wear United Nations uniforms.

But Isaiah prophesied that the promise will not be kept; that our agreement with hell will be broken and when the "overflowing scourge" shall pass through the land then all of us, including U.S. Senators, will be "trodden down by it." (Isaiah 29:18)

Let us pray that the Senators will remember that awful prophecy when the roll is called on the Moscow treaty.

[From the Charleston (S.C.) News & Courier, Sept. 9, 1963]

RUSSELL IS OPPOSED

Announcement by Senator RICHARD RUSSELL, chairman of the Senate Armed Services Committee, that he will oppose ratification of the nuclear test ban is a tremendous blow to proponents of the Treaty of Moscow.

The senior Senator from Georgia has immense prestige in the Senate. His fellow Senators know that he has the deepest understanding of the Nation's defenses and is above any appeal to partisan advantage.

If anyone can persuade the Senate that the test ban contains danger to the United States, that individual is Senator RUSSELL.

[From the Nashville (Tenn.) Banner, Sept. 6, 1963]

RIGHT, SENATOR GOLDWATER—RESERVATIONS STIPULATED ESSENTIAL TO TREATY

There is a way—a forthright way—to correct a major disadvantage under which this Nation would find itself with the proposed nuclear test ban in force as drawn. That is by attaching two reservations as stipulated by Senator BARRY GOLDWATER yesterday.

They would:

1. Require Russia to remove all Soviet missiles and military forces from Cuba, before the pact became effective.

2. Provide in specific language, as former President Eisenhower has urged, that the treaty shall not impede America's right to use nuclear weapons in defense of its security.

The threat to which these provisos are addressed is not new.

Soviet-armed Cuba sets just 90 miles from the United States shore—still the staging area for subversion and potential attack in this hemisphere, substantially unaltered in that regard despite ceremonious gestures of "settlement" and withdrawal dating to the now deflated "showdown" of last October. While talking "peace" and "coexistence" and "disarmament" as fringe benefits of the Moscow treaty, Khrushchev has made no move to prove the claim of good faith by ordering a genuine withdrawal from there. Indeed, even the earlier references to on-site inspections gather dust on the policy shelf.

Certainly, America should assert the right—as the elementary right of security—to use whatever weapons are necessary if this Nation or its allies are attacked. President Eisenhower was right in asserting that major premise; and Senators likewise concerned for the future of their country are right in insisting on it.

The treaty is meaningless as an instrument of security if by omission or commission it is subject to nebulous interpretation.

Even many of those outwardly favoring it, mobilized as witnesses before Senate committees pondering it, have mentioned factors of doubt and of danger.

These defects must be corrected now. They could not possibly be corrected after it went into force, if ratified.

With these changes, America could, with some degree of safety—or at least a less degree of danger—accept the treaty. Without them, it would be taking a leap in the dark; a gamble on a piece of paper which the Soviet will violate on its own whim.

The document still would entail a risk, though reduced. The alterations proposed are essential to any ratification; without them, the Senate should reject it.

Senator GOLDWATER is a realist where national security—present and future—is concerned. He has spoken the sentiment, and voiced the judgment, of many colleagues in that body of ultimate decision; of many in positions of military command * * * and of millions, assuredly, comprising the body of citizenship whose national security is at stake.

[Editorial from Radio Station WDX, Orangeburg, S.C.]

TEST BAN MERITS

The people of the United States are going to get a test ban treaty, not on its merits, but on the power of the administration to enforce its will on the witnesses. Defense Secretary McNamara reversed his earlier testimony that the Russians have developed an antimissile system. The Joint Chiefs of Staff reversed their earlier testimony that they oppose the test ban treaty. A reversal of testimony by men like Mr. McNamara and the top military leaders of the United States is a significant thing to behold.

In support of the test ban treaty, Secretary McNamara told the Senate on Tuesday (August 13, 1963) that the Communists had not

1963

CONGRESSIONAL RECORD — SENATE

15779

developed an antimissile missile. Earlier he had admitted to the Armed Services Committee that the Russians had developed an antimissile missile. Senator THURMOND reminded Secretary McNamara of his earlier testimony (August 14, 1963). What Secretary McNamara was telling the Senate in support of the test ban treaty was a direct contradiction of what he had told the Armed Services Committee earlier that the Soviets do have an operational antimissile missile. The United States must have nuclear tests in the air to perfect our antimissile missile. To get a Senate approval of the treaty, Mr. McNamara reversed his earlier testimony.

The Joint Chiefs of Staff had earlier testified to the Armed Services Committee that they were opposed to the test ban treaty. Now, the Joint Chiefs reverse their testimony. Allen and Scott report: "This dramatic backstage, about-face by the top military leaders was brought about by the President's using both his personal prestige and great power as commander-in-chief. (The President told the Joint Chiefs—) 'If by some chance the Senate would fail to ratify this treaty it would be the worst blow to this country's prestige since the Russians launched their sputnik.' Repeatedly the President assured the Joint Chiefs that he would not let the treaty undermine the country's military strength" (August 14, 1963). The result is that the top military leaders of the United States have reversed their earlier testimony. The President and his advisers did not consult the military before the test ban negotiations. After the deal is made they enforce the decision on all and override all opposition. The Nation will get a test ban treaty—not on its merits—but, on the power of the President.

[Editorial from radio station WDX,
Orangeburg, S.C.]

ACTS—NOT WORDS

The big guns of U.S. Government propaganda are turned loose on the U.S. Senate and the U.S. public. Reams of broadcast news and front page headlines come from the Government. Undersecretary of State Harriman says: "Khrushchev will abide by the limited test ban treaty to avoid the risks of nuclear war." The Associated Press reports Secretary Rusk: "The Soviet Union . . . has looked into the pit of the inferno and has a common interest." Mr. Rusk continues: "The limited test ban treaty is not based on trust of Russia." He said: "It will not pull the United States into relaxing its vigilance." The President of the United States has made similar assurances. We are told over and over again that Khrushchev is afraid that we don't trust Russia, that we will keep up our guard, and the whole thing has a most unrealistic press-agency about it. It reminds the average man and woman of last November when our leaders were eye-ball-to-eye-ball, Cuban weapons were defensive, Russia would not dare to put missiles in Cuba, we demand on-site inspection, communism will not be exported and Castro will die on the vine.

It was Mr. Harriman who arranged the Laos deal with Khrushchev to keep the peace in Laos while we pay the bill which is no small thing—\$3 million a month. But, the Communists are taking Laos and with Khrushchev's blessing. Worse, the Communists are using Laos as a sanctuary and supply route and flanking and killing U.S. citizens in uniform. We look at our country taking second place in the nuclear race, protecting Castro, financing Communist-leaning governments, refusing the contract of the aircraft carrier authorized by Congress, refusing to put into production Nike-Zeus and Skybolt—and, the average citizen is warranted in wondering if his leaders are competent to maintain the vigilance they say they will maintain. We have not stopped

Castro, yet. We haven't even slowed him up. But, we stopped the Cuban patriots. Are the test ban assurances on any firmer foundation than the others? The test ban could be our last failure to meet our responsibilities with acts—not words.

[From the Chicago Tribune, Sept. 3, 1963]

THE TREATY IN THE SENATE

The 16 to 1 vote by which the Senate Foreign Relations Committee endorsed the Kennedy-Harriman partial nuclear test ban treaty with the Soviet Union and sent it to the Senate floor for debate does not fully reflect the sentiments of the committee members. Several who entertain the gravest doubts about this undertaking were ready to move it out of committee without giving up their right to vote against it later.

Yet we expect that the Senate in the end will give its consent to ratification. As soon as the treaty was signed by the Secretary of State in Moscow, the Senate was presented with an accomplished fact. Then a whole raft of other countries signed up, and an administration which is always more concerned with the good opinion of bush league states than with the interests or security of the United States began arguing that we couldn't betray them.

Much emotional propaganda has been cranked up about how the treaty could be a step toward a new era of international good feeling, while the accommodation-with-Khrushchev lobby is busy magnifying the hazards of radioactivity in babies' milk—which, it is true, has yet to inconvenience any babies.

We certainly should not choose to deny Khrushchev the chance to indulge in a dance step or two when the treaty is ratified. After all, Hitler enjoyed that pleasure when he did a jig in 1940 at Compiègne when France collapsed.

But, lest joy be unconfined, there are a few sour notes. Clarence Manion, former dean of the Notre Dame Law School, spoke on his radio forum Sunday, discussing the moral character of this made-in-Moscow contract. He cited the awesome words of the prophet Isaiah:

"We have made a covenant with death, and with hell are we at agreement; when the overflowing scourge shall pass through, it shall not come unto us: for we have made lies our refuge, and under falsehood have we hid ourselves.

"And your covenant with death shall be disannulled, and your agreement with hell shall not stand; when the overflowing scourge shall pass through, then ye shall be trodden down by it.

"For the bed is shorter than that a man can stretch himself on it; and the covering narrower than that he can wrap himself in it."

Let the Senate ponder. Communism neither repents nor reforms, and of what use have its pledges ever been?

When Khrushchev's son-in-law, Alexei Adzhubel, had an audience with the late Pope John, he denied that any agreements had been made, saying, "I am an atheist, I could break my word to the Holy Father. As an atheist I would not be compelled to keep a promise. There can never be peaceful coexistence between the Christian religion and our Communist doctrine."

That is explicit enough, but there are the words of Lenin that a treaty "is the means of gaining strength." There are the words of Stalin that treaties, like nuts, are made to be cracked.

"A diplomat's words," said Stalin, "must have no relation to action—otherwise, what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood."

Let the Senators not say that they have not been forewarned. Let each Senator remember, in Isaiah's phrase, that "God doth instruct him to discretion."

[From Our Sunday Visitor, Aug. 11, 1963]

RIGHT OR WRONG—A FRESH FOCUS

(By Rev. Richard Ginder)

With all the discussion of the nuclear pact between Kennedy, Macmillan, and Khrushchev, it becomes necessary again to step back and focus on the whole picture.

De Gaulle did not join in the pact, but no one is alarmed, for he is not hostile. Adenauer did not sign, nor Franco. No—keep your eye on the short baldheaded man with the wart beside his nose. He is the enemy, the dictator of the U.S.S.R., the man who can break any pact any time he wants and send millions to their death. He has announced time and again that he is out to "get" us.

If you read your periodicals thoughtfully, you are bound to observe two very different points of view about this menace. The one holds Khrushchev for a cunning barbarian and demands immediate liberation of Russia and the captive nations.

The other counsels patience, believing that time is on our side: "All tyrannies pass away eventually. Granted Khrushchev is evil, he will die sooner or later. The Communist system is bound to mellow."

TIME IS AGAINST US /

But time is not on the side of freedom. It is on Khrushchev's side and he well knows it. His system has, in a very short time, enslaved one-third of the earth, and now he wants the perpetuation of this outrage recognized by the free world as a stable affair. He wants the abnormal made normal.

Hence, although he is as wicked as and far more dangerous than the late unlamented A. Hitler, he walks about posing as a civilized person and inviting nice people in to dinner—people like Averell Harriman and Viscount Halifax. These affairs are then played up in the Soviet press as proof of how the Western nations esteem this latterday Hitler, treating him as their equal and the freely chosen representative of a great nation.

"You see," he can tell the people of Hungary, "it is perfectly normal for your country to be garrisoned by Russian troops and run from the Kremlin. Otherwise, do you think the Governments of the United States and Great Britain would send their representatives to treat with me?"

To quote again what Secretary of State Charles Evans Hughes wrote 40 years ago:

"Nothing should be done to place the seal of approval on the tyrannical measures that have been adopted in Russia, or to take any action which might retard the gradual reassertion of the Russian people of their right to life in freedom."

The cultural exchange is a similar feint. One silly balletomane, on viewing the Bolshoi, was heard to sigh: "Oh, it would be a pleasure to be bombed by dancers with such technique"—which is, of course, just the effect Khrushchev intended when he sent them over here. They are on the state payroll. They are conniving with the enslavement of their own people; otherwise, they would run off and seek sanctuary as did Rudolf Nureyev. They are the representatives and accomplices of murderers and assassins. Salesmen for Khrushchev. And they do their work well: "It would be a pleasure to be bombed by dancers with such technique."

NEUTRALITY IMPOSSIBLE

Back in 1917, President Woodrow Wilson told Congress:

"Neutrality is no longer feasible or desirable where the peace of the world is involved and the freedom of its peoples—and the menace to that peace and freedom lies in

the existence of autocratic governments backed by organized force which is controlled wholly by their will, not by the will of their people.

"A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. It must be a league of honor, a partnership of opinion. Intrigue would eat its vitals away; the plottings of inner circles who could plan what they would and render account to no one would be a corruption seated at its very heart. Only free peoples can hold their purpose and their honor steady to a common end and prefer the interests of mankind to any narrow interest of their own.

Now, instead of these futile discussions over nuclear weapons, proposals for summit talks, suggestions for the control of outer space, and the like, all of which imply that we have written off and forgotten about East Germany, the Baltic States, Poland, Hungary, and the rest of the Russian satellites—this attitude is known as being "realistic," as though Abraham Lincoln had just sat down one day in 1860 and said, "Well, there goes South Carolina"—suppose that, for a change, instead of always talking about what Khrushchev wants to talk about, we would concentrate world attention on Russian imperialism, slavery in the Baltic States, the wretched division of Germany, the Berlin wall—"and whatever happened to Rumania, Albania, Hungary, and Poland?"

BROKEN TREATY WEEK

We could have Broken Treaty Week, with a proclamation from President Kennedy, expressions of regret, and appropriate lists of all the treaties broken by the Bolsheviks since they came to power.

We could have exchange lecturers on democracy, with our men touring Russia and her colonies explaining the American system, and Russians touring the United States to tell us how they run their conventions, how they campaign, how they settle hotly contested elections, etc.

The possibilities are endless, but they are not likely to be exploited, for the other school of thought is in control: the let-by-gones-be-by-gones opinion, "accept the status quo." "We must assume that the Communist threat will continue into the distant future and that its removal is not within our control."

In the meantime, while the Communist dictators consolidate their grip over their respective conquests, acquiring recognition, a fictitious respectability, and in some cases our foreign aid, the zeal of the free world flags, and people become bored from the sheer duration of the problem.

But whether we are interested or not, it's there—the wolf at the door (does that make you think of Cuba?)—and we will have to face up to it sooner or later by positive action.

As for the nuclear pact: even if the Reds could be trusted, it would solve very little, for it does not affect the stock on hand. It only outlaws testing.

ONE HUNDRED AND FIFTY JOBS AT \$30,000 FOR THE DEPARTMENT OF LABOR AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

As in legislative session,

Mr. DIRKSEN. Mr. President, there is an item in conference on the appropriation bill for the Departments of Labor and Health, Education, and Welfare, which inhibits consummation of the conference report on that appropriation bill. There is an understanding

between the distinguished Senator from Delaware [Mr. WILLIAMS] and the chairman of the committee, the distinguished Senator from Alabama [Mr. HILL].

Mr. HILL. Mr. President, I call the attention of the Senate to the remarks of the Senator from Delaware yesterday with reference to amendment No. 25, which appeared on page 25 of the appropriation bill. The amendment was numbered 25 and appears in italics on pages 25 and 26 of the bill, just as amendments are printed in appropriation bills.

The amendment was also printed on page 13442 of the CONGRESSIONAL RECORD of August 6, 1963, which was the day before the Senate acted on the bill.

In his remarks yesterday, the Senator from Delaware stated frankly, as he is always candid in the Senate, that he had read the amendment before the bill was passed by the Senate. It was not the intention of the committee that the amendment should cover any such number of persons as the Senator from Delaware suggested yesterday. The information from the Department of Health, Education, and Welfare furnished the Senator from Delaware was that the amendment would make 150 persons eligible. The intent and thought of the committee was that the number would be relatively few.

There is a compelling need for action to raise the salaries of scientists and medical men, not only at the NIH but in other branches of the Public Health Service. More and more of these fine, capable, outstanding, eminent scientists and medical men are being lost to the Government.

However, the amendment goes further than it was intended it should go. Therefore, I say to the distinguished Senator from Delaware that when the conferees of the Senate and the House meet on the bill, I shall ask the Senate conferees to recede from the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the statement by the Senator from Alabama. It was Representative Gross, of Iowa, who first raised the question, and I wish to compliment him for his diligence. I followed through and found that the amendment did give authority to the Secretary of Health, Education, and Welfare to appoint 150 employees, a number of whom could be scientists and a substantial number of whom could be administrators, at salaries of \$30,000 a year.

If there is to be any change in the salary scale, it certainly should be considered openly and on its merits rather than hidden in such a manner as was here proposed. I feel certain that the Senator from Alabama agrees with me on that point. I appreciate his assurance here today that the amendment will be deleted when the bill goes to conference.

Mr. HILL. I wish again to emphasize two propositions. First, it was never the intention to have the amendment to cover any such number as 150 positions.

Mr. WILLIAMS of Delaware. I am sure of that.

Mr. HILL. The idea was to have it cover only a relatively few positions. I shall ask the conferees to recede, as I have said to the Senator from Delaware and to the Senate. However, there is a compelling need to act in this situation. More and more eminent scientists and outstanding men in the field of medicine and health are being lost to the Government. We shall continue to lose them unless something is done to provide better salaries, better remuneration, for them.

Mr. WILLIAMS of Delaware. That may well be, but as I have said to the Senator, that problem should be considered on its merits, even if it affects only one employee.

Mr. CARLSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. CARLSON. The distinguished Senator from Alabama, in his usual, fine manner, has agreed to do something that should be done, regardless of the need for increased salaries. I share that view. I hope his committee will refer this question to the Committee on Post Office and Civil Service, which usually deals with questions of this kind.

As one member of that committee, I assure the Senator from Alabama that we shall be most anxious to do anything we can to assist in improving the conditions.

Mr. HILL. The Senator from Kansas is not only a member of the committee; he is one of the strongest and most influential members of the committee. I am pleased to have the assurance he has given us.

Mr. KEATING. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield to the Senator from New York.

Mr. KEATING. I express my enthusiastic approval of the action taken by the distinguished Senator from Alabama. It seems to me that this is exactly what should be done under the circumstances.

As one Member of the Senate, I also feel that the Senate owes a debt to the distinguished Senator from Delaware for digging into this question. We study and vote on appropriation bills on the basis of committee reports, yet there was not one thing in the report on the bill on this point. When I read in the RECORD today the statement of the distinguished Senator from Delaware yesterday, I then turned to the report on the bill and found not one word about the action which had been taken to authorize the appointment, apparently, by the Secretary of Health, Education, and Welfare of 150 persons to positions paying \$30,000 a year. Perhaps every one of us could be said to be at fault for not having caught this item before. But the Senator from Delaware, with his characteristic ability and stick-to-itiveness, has really performed a service for all of the Senate by bringing it up and clarifying it. I personally express my gratitude to him, because I—and I daresay every other Member of this body—had no idea when we voted for the appropriation bill that we were voting for any such proposal as was apparently contained in the bill.

Our country ordered a fleet to be built at Erie and put Oliver Hazard Perry in charge of the building. The construction of that fleet was little less than a miracle. The shipbuilders, recruited from Philadelphia and New York, had to make their way through a trackless wilderness. Guns and ammunition were hauled hundreds of miles by sled and ox-cart over almost impassable trails. Everything iron was melted to furnish hardware for the ships. Within 6 months of the time they stood as trees of the forest, the vessels were finished and floated.

No crews of seamanship were available—negro slaves, boys, and soldiers became sailors. Perry's fleet commanded only 54 guns; the British fleet had 63 guns of longer range and well-trained crews.

At 10 in the morning of September 10 Perry sighted the British fleet. It was the beginning of a day of frightful battle so well portrayed by the brush of the artist. The tide of victory seemed against the Americans. Perry's flagship, the *Lawrence*, was almost shot to pieces. But its motto for the day was "Don't give up the ship." Desperately, the American ships closed in and gave fearful battle at close range. At 4 that afternoon the proud British flagship lowered its flag in token of defeat. On the deck of the *Lawrence*, Perry received their surrender, but refused the surrender of their swords. His warm desire was to treat such worthy foe with all honor and courtesy. The British deeply appreciated this generous gesture, and so one may find even a richer meaning to the message of that day: "We have met the enemy and they are ours."

Mr. President, I know many visitors have gone through the corridors of the Capitol, particularly the wing of the Senate, and as they gazed at the painting at the top of the staircase about 25 or 30 feet from where I now stand, they may have wondered what it was about. It portrays the victory of Commodore Oliver Hazard Perry, a Rhode Islander, on Lake Erie.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. LAUSCHE. I am delighted to join the distinguished Senator from Rhode Island [Mr. PASTORE] in paying tribute to the great naval hero of the War of 1812. The battle about which the Senator from Rhode Island has spoken took place near Put-in-Bay, Ohio. There is a monument at Put-in-Bay in honor of this distinguished American.

I cannot help thinking at this time that, while we speak of the great achievements of Perry, we also should have in mind the great heroism shown by so many Americans in the War of 1812. There is in Ohio, Fort Stephenson, which was commanded by a Maj. George Croghan. His was an extraordinary achievement, and he displayed heroism to the fullest degree.

I am delighted to join the Senator from Rhode Island in his remarks about Perry. I wish also at this time to pay tribute to all the men of our Nation who fought nobly in that war to preserve our country.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter I wrote to Mr. William M. Haynes, chairman of the Guests Committee in connection with the Fort Stephenson Sesquicentennial.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 15, 1963.

Mr. WM. M. HAYNES,
Chairman, Guests Committee,
Fort Stephenson Sesquicentennial,
Fremont, Ohio.

DEAR Mr. HAYNES: I am very grateful for your letter of June 28 in which you invite me to attend the Fort Stephenson Sesquicentennial Celebration being held July 27 to August 3, 1963, inclusive.

I recognize that you are, in this year of 1963, paying tribute to the heroic spirit of the rank and file of the military and the nonmilitary citizens in fighting for the preservation of the freedom of our country. In your county of Sandusky, on the river of that name, stands the town of Fremont, formerly named Lower Sandusky. In that town lived a band of Wyandottes called the neutral nation. Their area was called the place of refuge. Sanctuary was always found by the tormented and oppressed in the historic lands of the United States in which your celebration is now being held.

Your county is the birthplace of the three times Governor of Ohio and later President of the United States, Rutherford B. Hayes. When the name of Lower Sandusky was sought to be changed to Fremont, your distinguished citizen, Mr. Rutherford B. Hayes, opposed the suggested change; in the name and in support of his position he offered the following argument in verse:

"There is a prayer now going round
Which I dislike to hear,
To change the name of this old town
I hold so very dear.

"They pray the court to alter it,
I pray to God they won't;
And let it stand Sandusky yet
And not John C. Fremont.

"Sandusky is a pleasant name;
'Tis short and easy spoken,
Descending to us by a chain
That never should be broken.

"Then let us hand it down the stream
Of time to after ages,
And Sandusky be the theme
Of future bards and sages.

"Won't the old honest sagums rise,
And say to us pale faces,
'Do you our ancient name despise,
And change our resting-places?'

"Our fathers, slumbered here;
Their spirits cry, 'Oh, don't
Alter the name to us so dear
And substitute Fremont!'

"Therefore my prayer shall still remain,
Until my voice grows husky:
Oh, change the people, not the name
Of my old home, Sandusky!"

In this celebration of 1963, in the midst of speeches, music, and prayer, you will be reminded of the heroic deeds of Maj. George Croghan and his intrepid men. On July 20 of the year of 1813, the British General, Henry Proctor, and Tecumseh with their men appeared near Fort Meigs to besiege that military base. The alertness of the then Governor, William Henry Harrison, recognized that the real goal of the enemy was Fort Stephenson on the Sandusky River where your distinguished town of Fremont stands today.

It is a rather commonly accepted fact that the defense of Fort Stephenson deserves to be ranked among the great achievements of

American soldiers. In that fort were scarcely 200 men commanded by Maj. George Croghan. He was only 21 years of age but came of the finest fighting stock to be found anywhere. The mere mention that he was a nephew of George Rogers Clark bespeaks excellently of his fearless and heroic background.

It was believed generally that Croghan could not hope to hold out through a siege imposed by the British and the Indians because of the smallness of the number of men within the garrison and because of the belief that Croghan and those men could not sustain a siege or an attack. He was directed to set fire to the stockade and retreat through the woods when the British and the Indians appeared. Patriots of our country are moved to greater courage when they read the answer given by Major Croghan:

"Order for retreat received too late to carry into execution. We have determined to carry this place, and, by heaven, we can."

Came August 1, 1813, Proctor, the English general, and Tecumseh, the Indian chief, reached the fort with 1,200 men, more than half of whom were Indians. Proctor arrogantly sent a message demanding surrender and warning that if the fort were not given up the Indians would massacre the garrison. But read and listen to the words of Croghan:

"When this fort surrenders, there will be nobody left to massacre."

Proctor and Tecumseh began their attack; their battering kept up all night but with little effect. Croghan had only one cannon and it was a small one, "Old Betsy." When the signs of battle were growing ominous, "Old Betsy" began to speak more vigorously. "Old Betsy," now renowned and supported by heroic men, sent the Indians fleeing into the woods and the British to their boats. Fort Stephenson was safe and triumphant. Ohio in 1813, through Major Croghan and his 200 men, was made safe against the invasion from Canada.

If only the spirit and patriotism of 1963 were that of Major Croghan and his intrepid men in 1813, how much more respected and safe our Nation would be.

For the spirit of manliness, patriotism, courageous and not cowardly political action, our leaders in Washington ought to study and follow that of the men of Fort Stephenson in 1813. If that were done, our country would be in a much safer position, more respected—not only at home but throughout the world.

I want very much to be with you during your celebration of this important and heroic event in the history of our country; I will be present unless my duties in Washington make it impossible.

Whether I am present or not, I join with the citizens of your area and those of Ohio in paying tribute to the heroic men who at Fort Stephenson in 1813 participated victoriously in the battle which contributed conspicuously in the preservation of our country. It is a year in which the citizens of your area justifiably rejoice and sing praises to the heroes of the past.

Sincerely yours,

FRANK J. LAUSCHE.

THE NUCLEAR TEST BAN TREATY

Mr. SCOTT. This week the Senate began debate on one of the most important issues to face the United States in recent history. The nuclear test ban treaty and all of its ramifications will and should be fully discussed and considered during the next 2 weeks.

As one who is most anxious to support the foreign policy of the United States, I am presently uncommitted but favorably inclined to support ratification of

this treaty. Such leading Americans as General Eisenhower, the Joint Chiefs of Staff, and many others have recommended ratification.

However, I share the reservation as expressed by General Eisenhower:

That in the event of any armed aggression endangering the vital interests of the United States, this Nation would be the sole judge of the kind and type of weaponry and equipment it would employ as well as the timing of their use.

This reservation was addressed to that provision in article I of the treaty which reads:

To prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control.

The Foreign Relations Committee, in its report, seems to be satisfied that "the treaty in no way impairs the authority of the Commander in Chief" in this respect.

Although I do not reject the position taken by this distinguished committee, I do feel that the views and reservations expressed by the immediate past President of the United States should not be dismissed as lightly as I feel that they have been in the report. I cannot wholeheartedly agree with the overly casual assumption that the situation envisioned by a man with General Eisenhower's military and diplomatic experience could not happen.

Should such a situation develop our security would be in jeopardy. I understand that we would not be limited in defending ourselves if an enemy overtly attacked the United States. But what would be the situation if the United States determined that it was in its interests to use tactical nuclear weapons in the defense of one of our allies, for instance? Would our agreement to stop "any other nuclear explosion" mean that we were abrogating this treaty?

This situation demands a clear interpretation. I hesitate to support a Senate reservation written into the treaty, because this might require renegotiation of the treaty itself. Any other action by the Senate, in the nature of a "sense of the Senate" resolution, or the establishment of the Senate's understanding of the treaty by making "legislative history" through debate and agreement on presently doubtful situations would greatly clarify the boundaries of the treaty. But these actions would not be binding on the signatories.

Therefore I urge the President to make a statement indicating his understanding of this provision of the treaty, since it is the Chief Executive himself who must make the interpretations of treaties when a question arises of the type under discussion here.

There are two other points which I believe must be raised at this time. We are being asked to ratify a treaty which gives formal assent to a moratorium on nuclear testing which already is in effect among the United States, Great Britain, and the Soviet Union. Therefore, while this treaty and its ratification might not have any real effect on the number of nuclear tests

conducted in the future—because the signatory countries can continue the moratorium even without this treaty—the fact that the United States is signing a major agreement with the Soviet Union could affect at least two other situations around the world.

First, I hope the Senate would make it clear that in ratifying this treaty the United States has not lost sight of the fact that the Government of the Soviet Union has not changed in the slightest degree its intent to "bury" the United States and the free world. The basic philosophy of the Kremlin is materialistic, atheistic communism and it is pledged to stamp out free institutions throughout the world.

From time to time we have witnessed an apparent "thawing" in the cold war. But always the Soviet leadership returned to its imperialistic objectives and created new crises through the world.

There are still millions upon millions of once-free people enslaved by Soviet imperialism. At the very times that there have been apparent relaxations of tensions between East and West, repressive measures were increased by Communist puppet leaders in some of the captive nations.

Mr. President, we are signing an agreement with a nation whose leaders have a philosophy alien to ours, a philosophy repugnant to our concept of international morality.

We must be satisfied that we are signing this agreement in our own interest. Let us never forget that when the Soviet leaders signed, the mere affixing of a signature changed nothing in their attitude toward the United States or their determination to destroy freedom wherever they could lay oppressive hands upon it.

The second point that should be discussed is that, bluntly, we cannot trust the Soviet Union. Their word today is a broken promise of tomorrow. If this treaty should be ratified, the United States should be constantly on guard against any of its provisions being abrogated by the Soviet Government. Treaties are generally based on mutual respect and understanding. This treaty should be based on our hopes for the future, our knowledge of the past, our awareness that one of the signatories must be constantly under surveillance for planned violations. The security and the prestige of the United States could hardly be more urgently involved.

It is the desire of each of us to support the President of the United States, to support the foreign policy of the United States. It is my hope that I can. But I would not be fulfilling my responsibilities as a Senator unless I publicly voiced some of the reservations which have greatly concerned me in considering this treaty.

This could be a major step toward peace, which all of us earnestly desire. It should not be a faltering step in that direction. To make it a firm one, and one in which we have faith, we in the Senate need some further information. This must come from the Chief Executive who is charged with conducting our foreign policy.

PLOWING THE SEA

Mr. LAUSCHE. Mr. President, I invite the attention of Senators to a very forceful column entitled "Plowing the Sea," written by our distinguished Chaplain, Dr. Frederick Brown Harris, and published in a recent edition of the Washington Sunday Star.

In the article Dr. Harris points out the dangers that beset a people when they become indifferent to their responsibilities to government, to their fellow men, to themselves, and to their families.

Dr. Harris discusses the prophecies of Amos, who diagnosed the ills of an ailing social order, which was shot through with trickery, bribery, exploitation, and injustice.

He further pointed out that any attempt to build a stable nation when the individual citizens of the Nation are selfishly feathering their own nests through injustice and dishonesty, and with methods that degrade the dignity of the individual, is like trying to plow the ocean with oxen. It simply cannot be done.

Dr. Harris stated:

What avails anything prominent men in State or National posts of public service may advocate regarding our society in general if, in their personal lives they strike selfish blows at the foundation of the home, the institution of marriage, the fountainhead of all in our common life which is high and holy. In the words of a well-known columnist, who sees the truth in the ancient words of Amos. "Such men reveal instabilities of behavior which scholars have found to be historically characteristic of advanced societies on their way down."

Dr. Harris' words are worthy of the gravest consideration. I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLOWING THE SEA

(By Dr. Frederick Brown Harris, Chaplain of the U.S. Senate)

As the end of the vacation season hoves in regretful sight, cars often bumper to bumper, are headed toward the sea. For jaded spirits and tired bodies what a resistless magnet is the ocean. How one long landlocked yearns for the sight of it, the smell of it, the elixir of it. There is magic in the sea as we hear its mighty waters rolling evermore.

But there are some things that simply cannot happen on the surface of the sea. One sees cars heading for the open water laden with boats, but never a car seaward bound with a plow or a tractor. The prophet of old, Amos, fearless social reformer, coined a haunting phrase to suggest the ultimate in futility. He was speaking to farmers as he said: "As you gaze at the numberless acres of the ocean, there is one thing that is not within the bounds of possibility. You cannot plow the sea with oxen."

Now the discoveries of science have made our modern world, in many ways, the sort of world that Alice was looking at in her wonderland. As the little lassie was pursuing a white rabbit it was said in that topsy-turvy book: "You see so many out-of-the-way things had happened to her that Alice had begun to think that very few things indeed were really impossible." But, even in our modern, scientific wonderland there is nothing our bewildered day needs to be told more sternly and solemnly than

Approved For Release 2004/03/11 : CIA-RDP65B00383R000100210001-9

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED		CONFIDENTIAL	SECRET

**CENTRAL INTELLIGENCE AGENCY
OFFICIAL ROUTING SLIP**

TO	NAME AND ADDRESS	DATE	INITIALS
1	Mr. Elder 7D5617	9/1'	AK
2	Legislative Counsel 7201		BE
3			
4	Congressional Files		
5			
6			

<input type="checkbox"/> ACTION	<input type="checkbox"/> DIRECT REPLY	<input type="checkbox"/> PREPARE REPLY
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> DISPATCH	<input type="checkbox"/> RECOMMENDATION
<input type="checkbox"/> COMMENT	<input type="checkbox"/> FILE	<input type="checkbox"/> RETURN
<input type="checkbox"/> CONCURRENCE	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> SIGNATURE

Remarks:

Attached are three excerpts from yesterday's Congressional Record. The first has to do with Senator Scott's remarks on the test ban treaty. (Mr. Houston took the bulk of the test ban debate to the 9:00 a.m. meeting.) The other two items are comments by Representatives Ryan and Rogers tying in the Viet-Nam situation with their proposals for a Joint Congressional Committee on Intelligence. (Note that Rogers inserted into the Record the Washington Post editorial of yesterday

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
Legislative Counsel 7D01	

Approved For Release 2004/03/11 : CIA-RDP65B00383R000100210001-9